

-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

# **EXHIBIT 1**

-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*\*\*CONFIDENTIAL\*\*\*

SERGIO L. RAMIREZ, on behalf )  
of himself and all others )  
Similarly situated, )  
Plaintiff, )  
-vs- ) No. 3:12 cv 632  
TRANS UNION, LLC, )  
Defendant. )

The CONFIDENTIAL videotaped deposition of  
MICHAEL O'CONNELL, called for examination pursuant  
to the Rules of Civil Procedure for the United  
States District Courts pertaining to the taking of  
depositions, taken before Deanna M. Amore, a  
Certified Shorthand Reporter within and for the  
County of DuPage and State of Illinois, at 205  
North Michigan Avenue, Chicago, Illinois, on the  
13th day of December 2013 at the hour of  
8:58 o'clock a.m.

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Page 33

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1 that we're clear about the question, does accuracy  
2 mean something different to your clients than it  
3 would to somebody else?

4 MR. NEWMAN: Objection.

5 Go ahead.

6 THE WITNESS: Accuracy means something  
7 different for each client.

8 BY MR. GORSKI:

9 Q. Well, what's your client's expectations of  
10 accuracy in the context of selling the OFAC add-on?

11 A. Their interpretation of the regulatory  
12 requirements.

13 Q. Again, I'm not following you. When you  
14 say accuracy and their interpretation of the  
15 regulatory requirements, I don't know how that --  
16 I don't know how that -- they are similar in any  
17 way. What I'm asking is do your clients have an  
18 expectation that the product that you're selling  
19 them is going to provide an accurate result?

20 MR. NEWMAN: Objection. Vague.

21 THE WITNESS: To their standards.

22 BY MR. GORSKI:

23 Q. And does their standard include some  
24 estimation that a potential match may actually be  
25 the person who is designated on an OFAC list?

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Page 34

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1       A.    Based on their interpretation of the OFAC  
2 regulations.

3       Q.    To ask you the question more practically,  
4 do your clients have some expectation that the  
5 possible matches that Trans Union provides in  
6 response to an OFAC add-on has some reasonable  
7 basis that it may, in fact, be true?

8       MR. NEWMAN:  Objection.  Vague.

9       You can answer.

10       THE WITNESS:  Generally, yes.

11       BY MR. GORSKI:

12       Q.    So other than your consideration of  
13 producing a reputable product and what we've  
14 discussed about your client's expectations about  
15 the product producing an accurate result, is there  
16 anything else you considered in the process as to  
17 whether or not you would develop and launch this  
18 product?

19       A.    That was the primary factor.

20       Q.    Did you consider feasibility?

21       A.    Technical integration.

22       Q.    So you considered whether or not Trans  
23 Union could build a computer system that could  
24 provide this?

25       A.    Yes.

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Page 35

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1 Q. Okay. Beyond that, when I say  
2 feasibility, was there any other feasibility  
3 concerns you had other than just whether the  
4 computers could physically produce a response?

5 A. I don't understand that question.

6 Q. Well, we talked -- when I said  
7 "feasibility," you said "technical feasibility,"  
8 and I understand what you mean is can Trans Union's  
9 computers produce the actual product that you are  
10 trying to development. Okay? And I guess the  
11 determination you made was that they could.

12 A. Yes.

13 Q. But in terms of feasibility, obviously,  
14 there is more aspects to producing a product like  
15 this other than can you get a computer to do it,  
16 correct?

17 A. Not necessarily.

18 Q. Well, you need data, right?

19 A. Yes.

20 Q. Okay. So did you consider how you were  
21 going to go about getting data in order to prepare  
22 this product?

23 A. Yes.

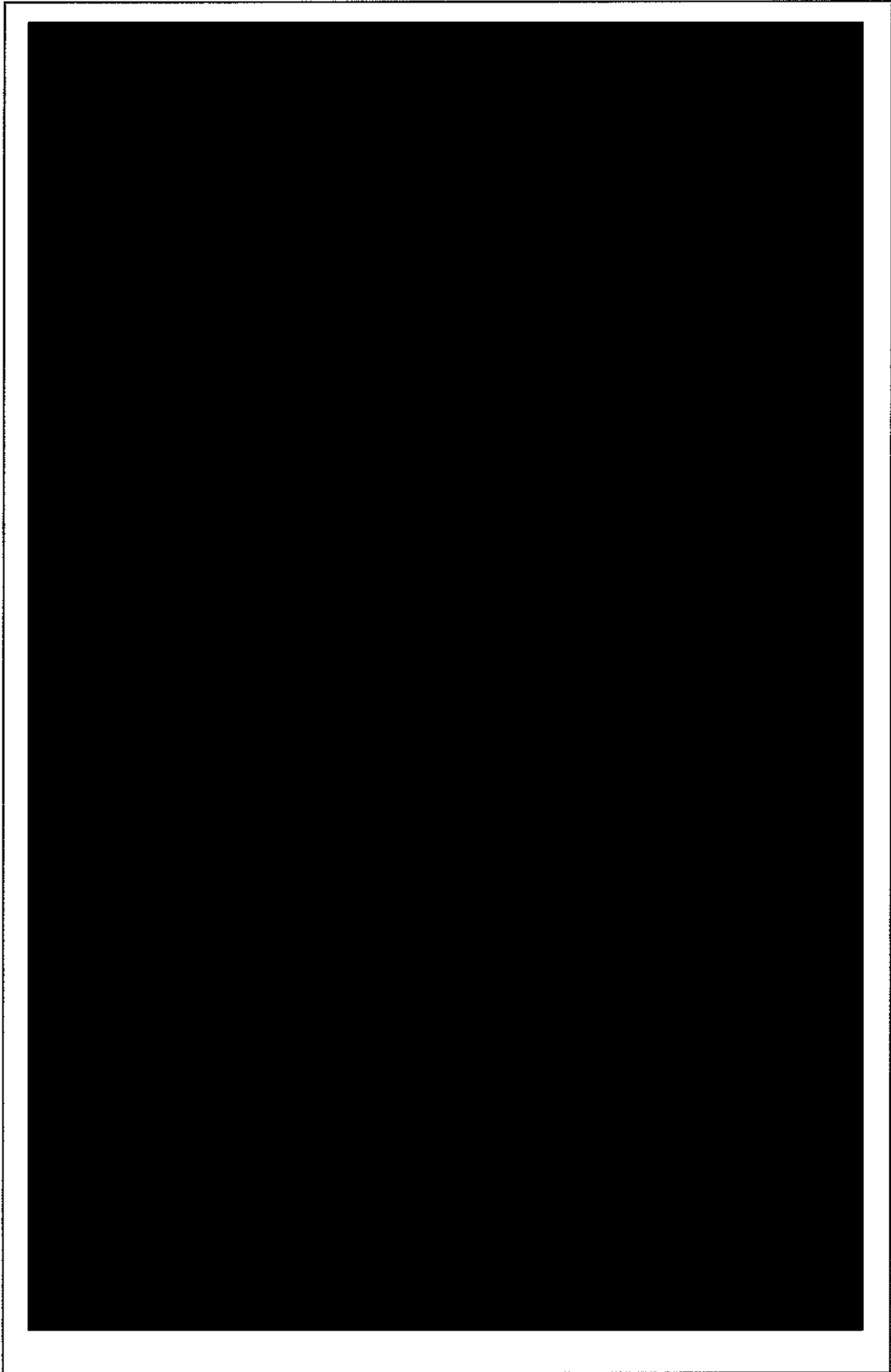
24 Q. Okay. Well, what did you do -- what were  
25 your considerations in that respect?

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Page 36

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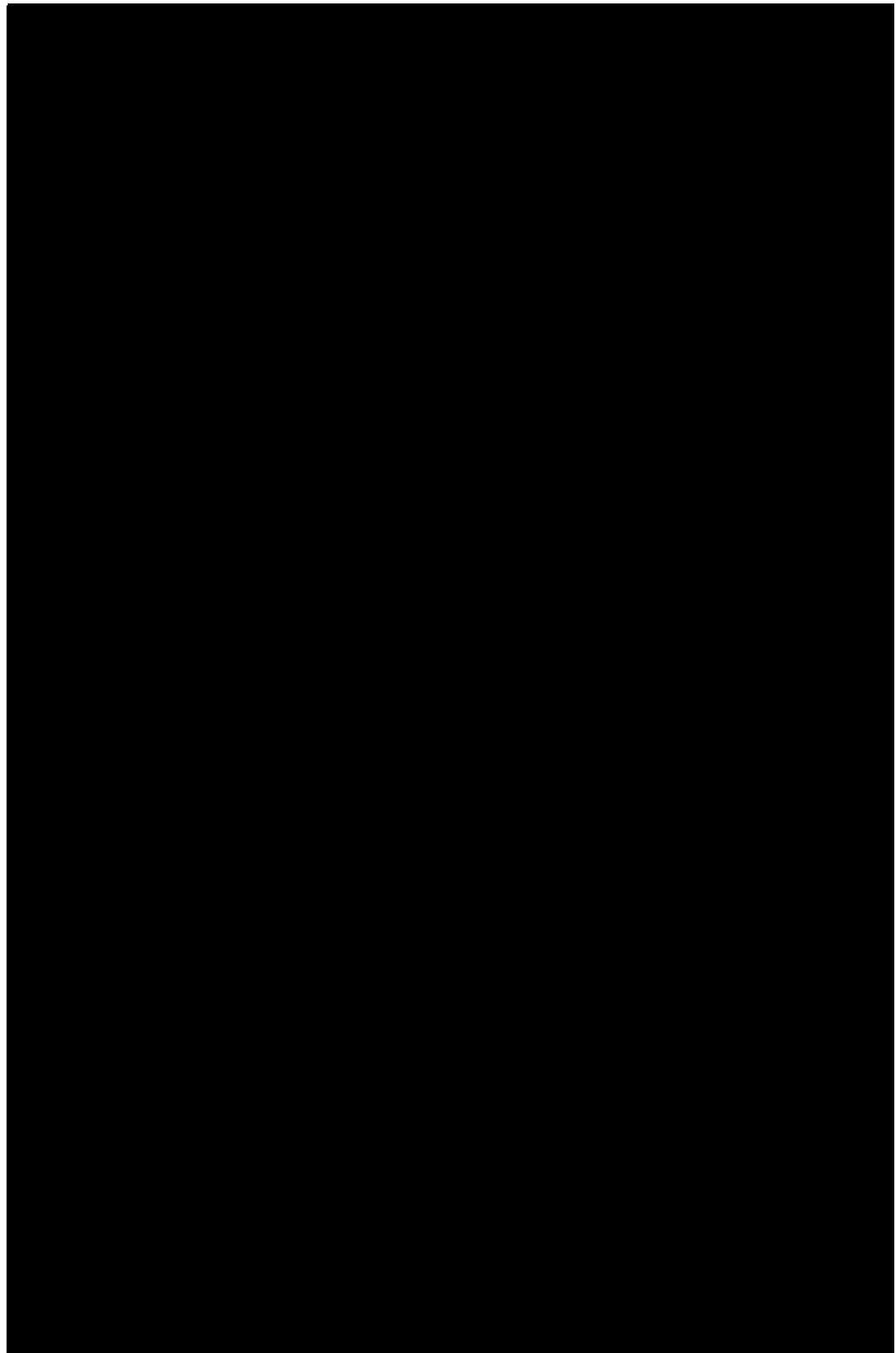


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 43

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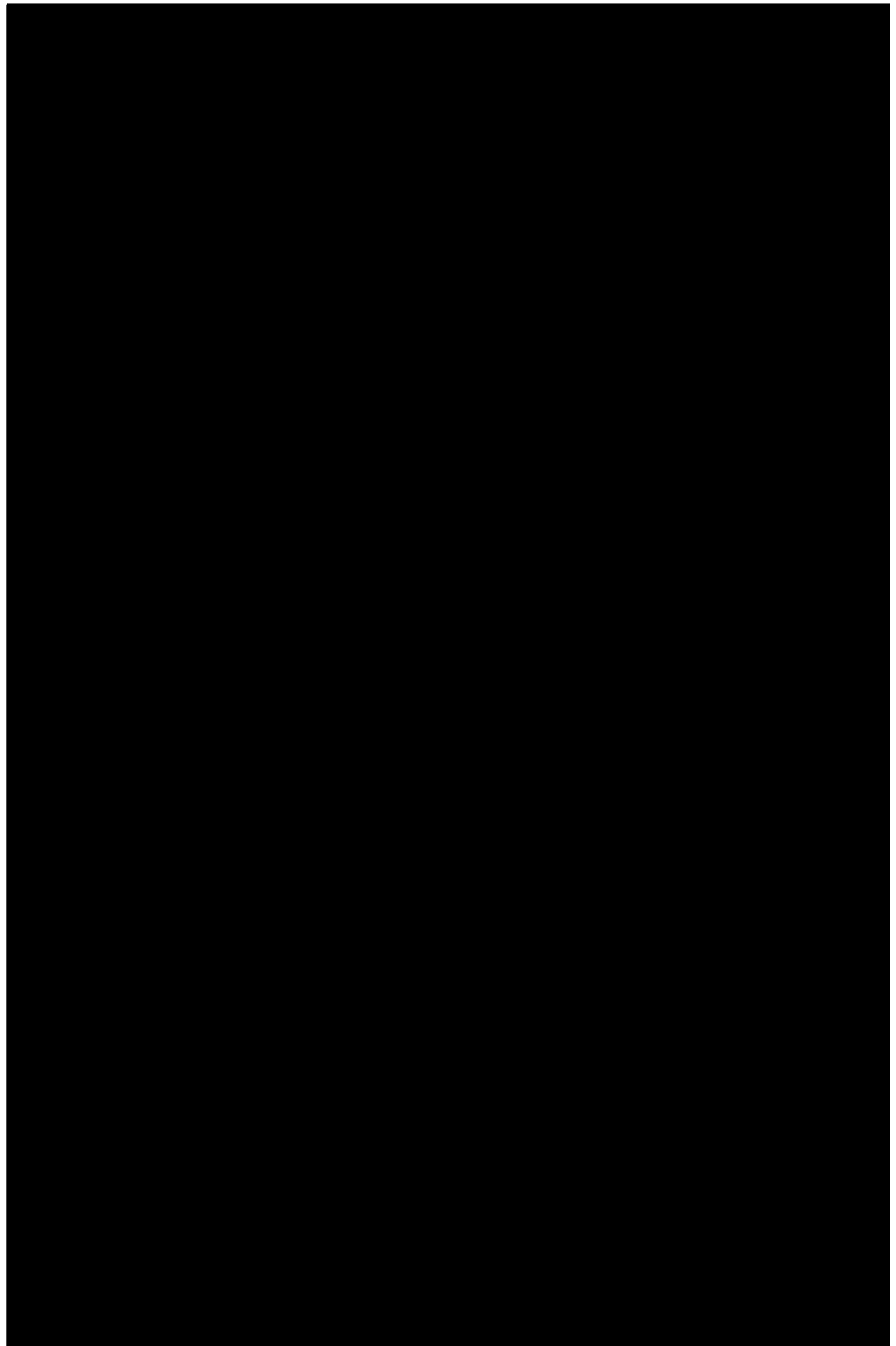


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 44

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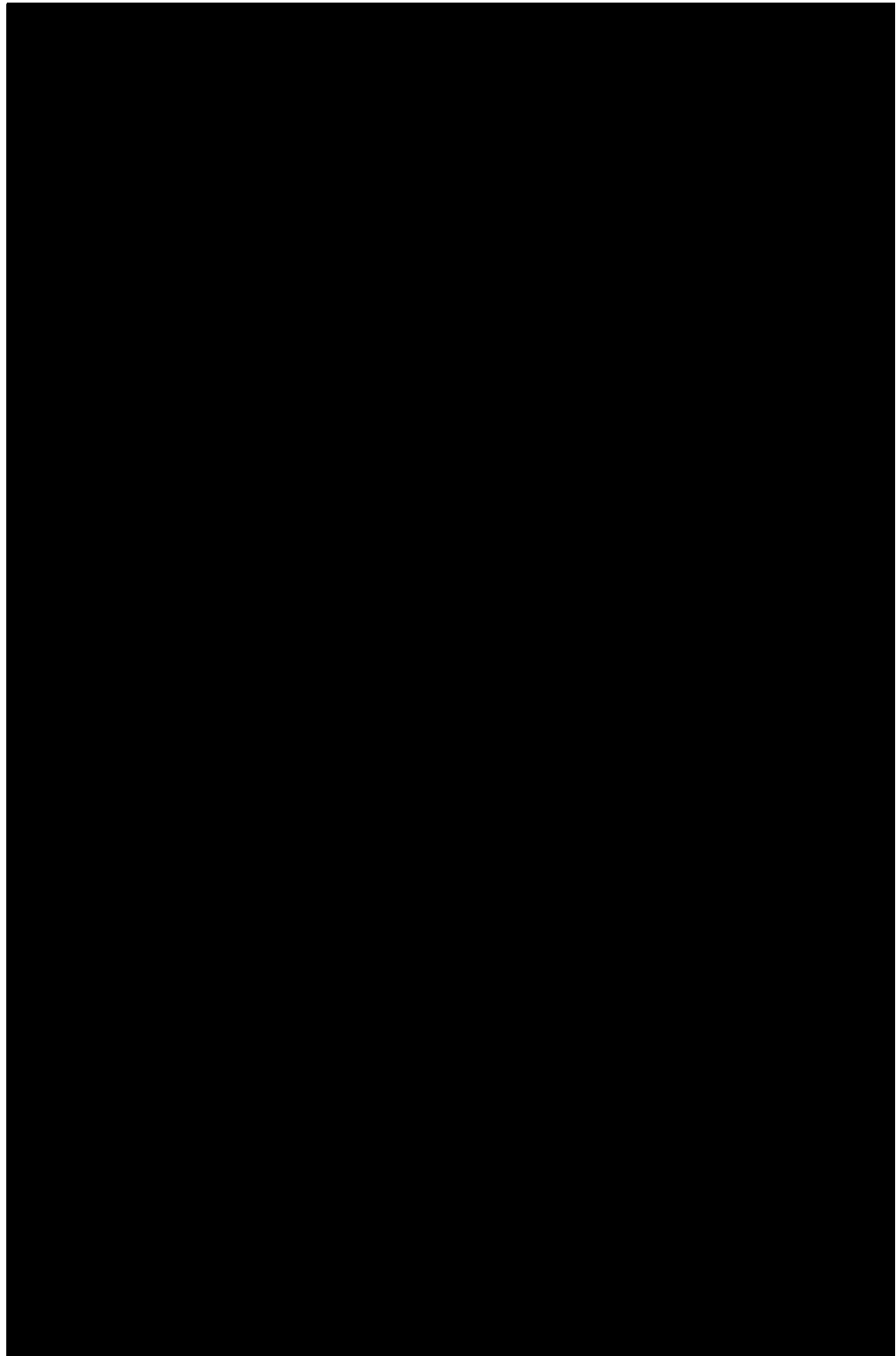


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 45

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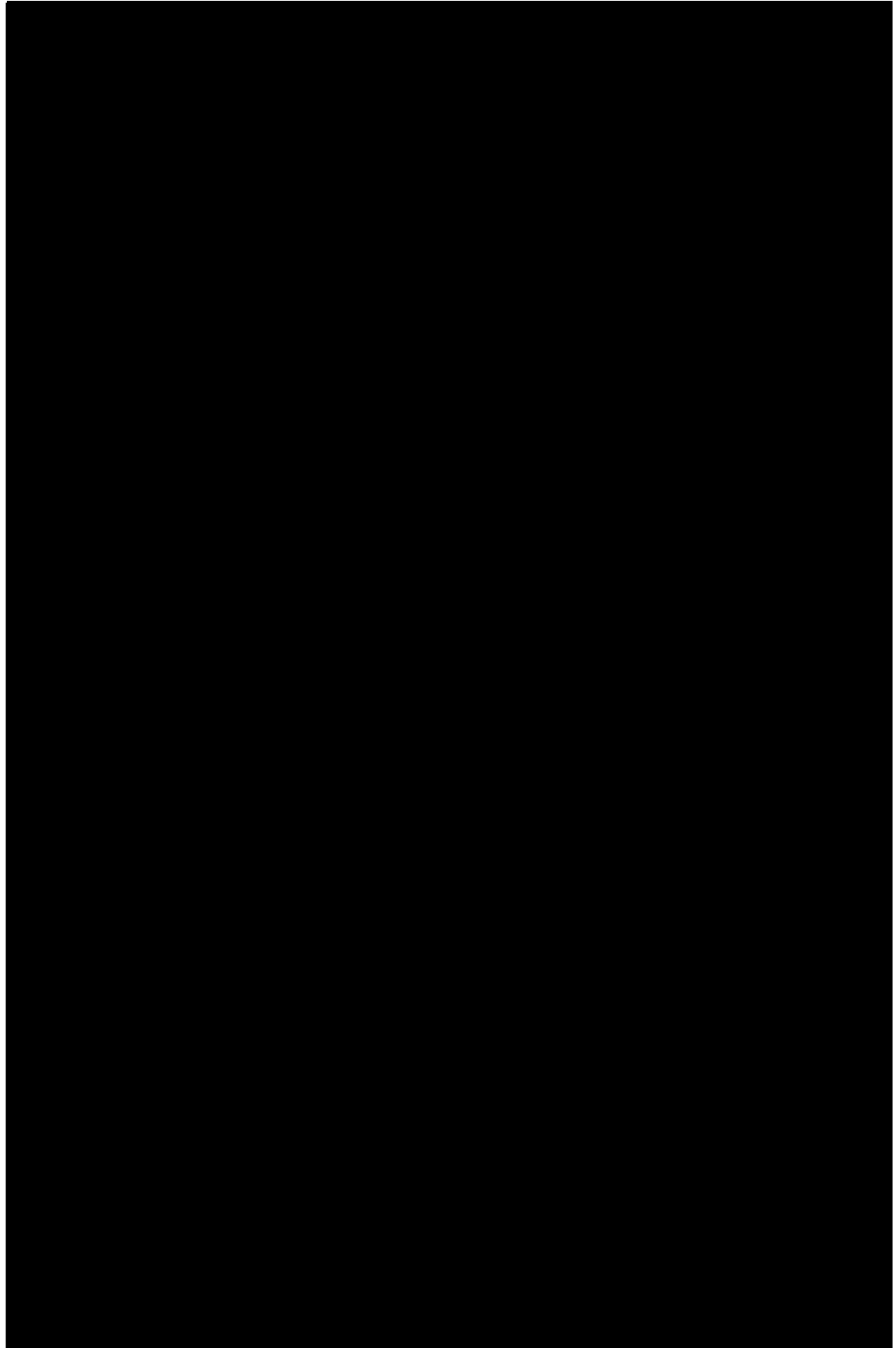


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 46

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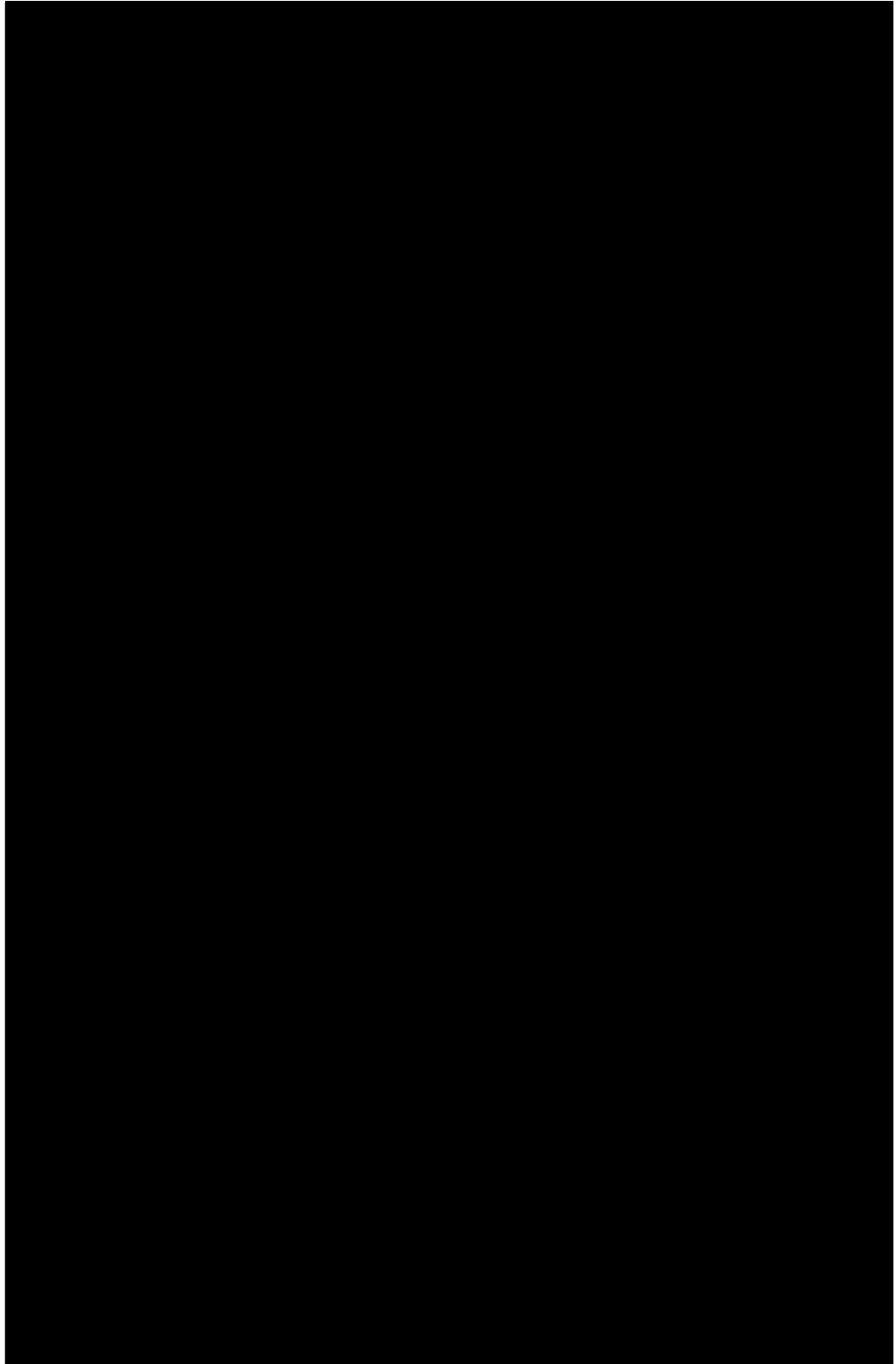


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 52

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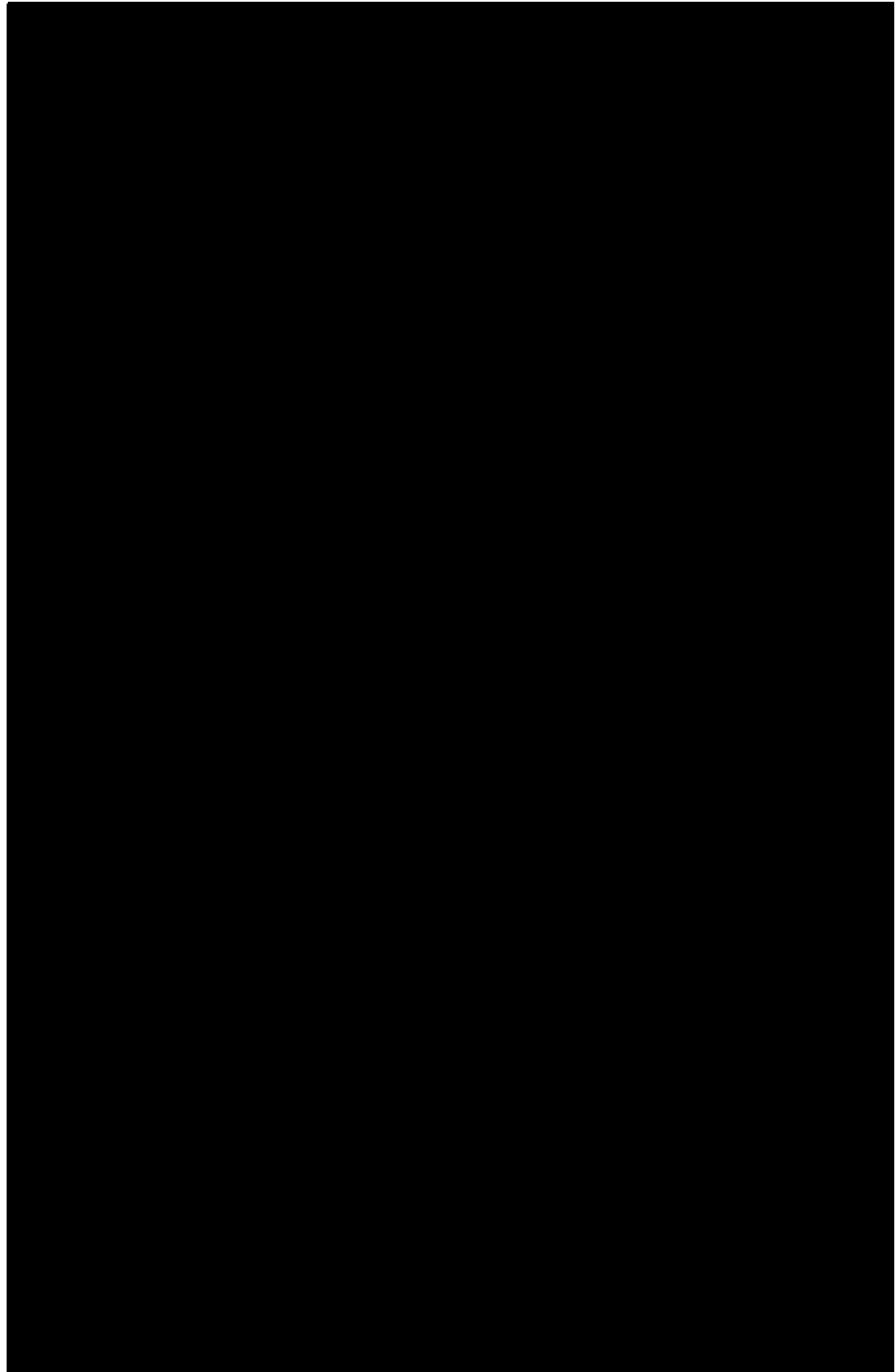


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 53

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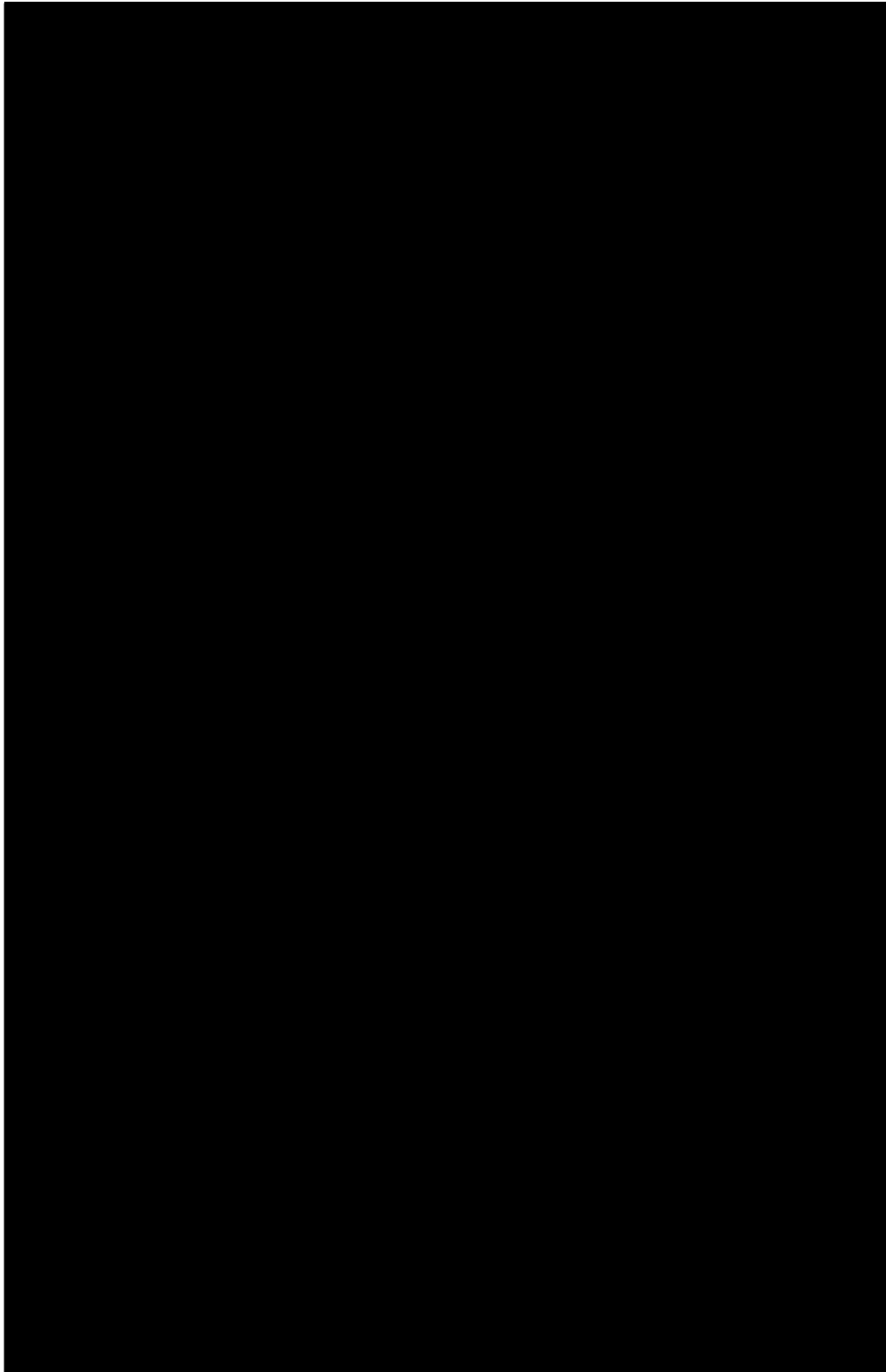


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 54

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-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 55

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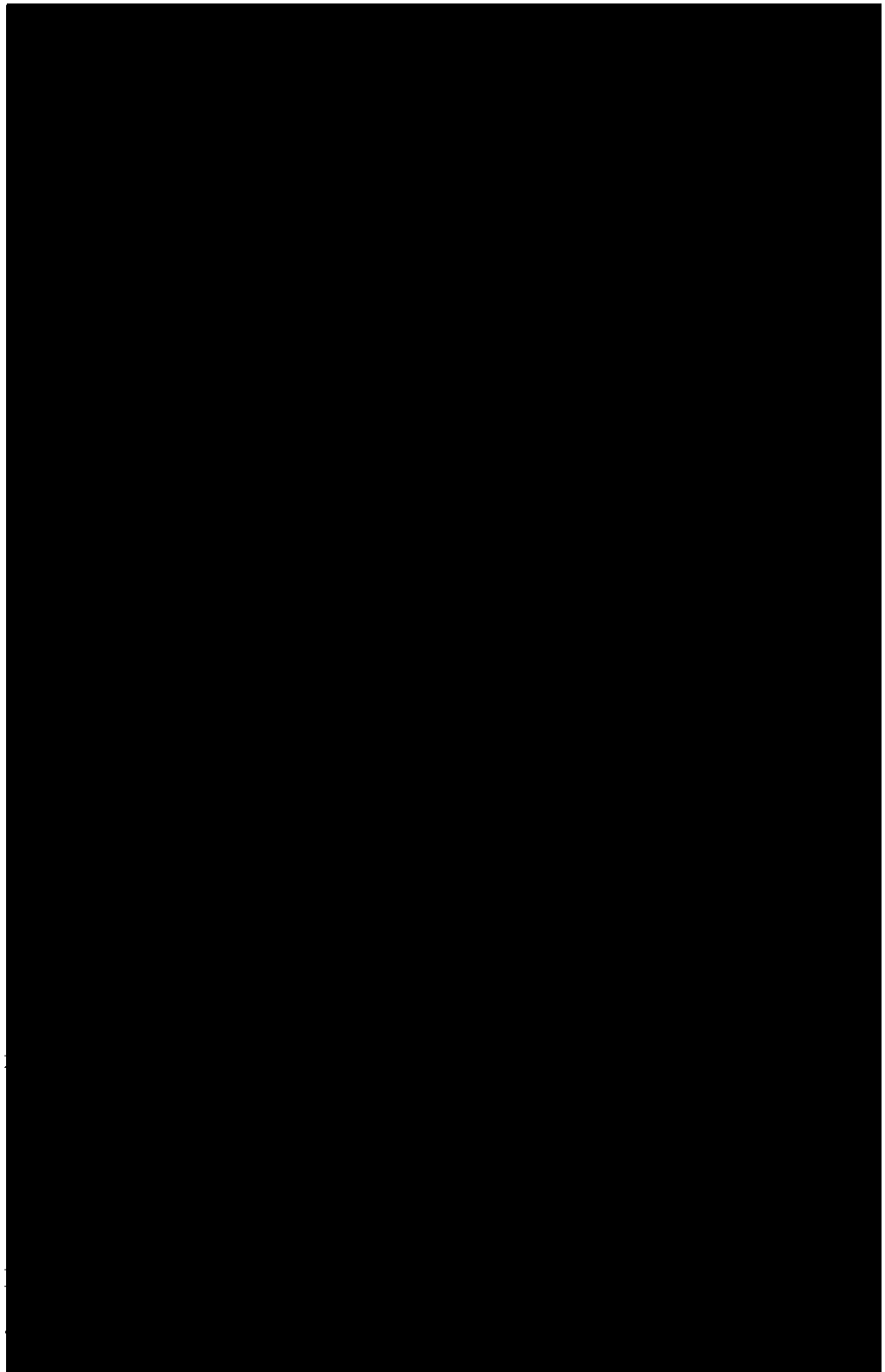


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 56

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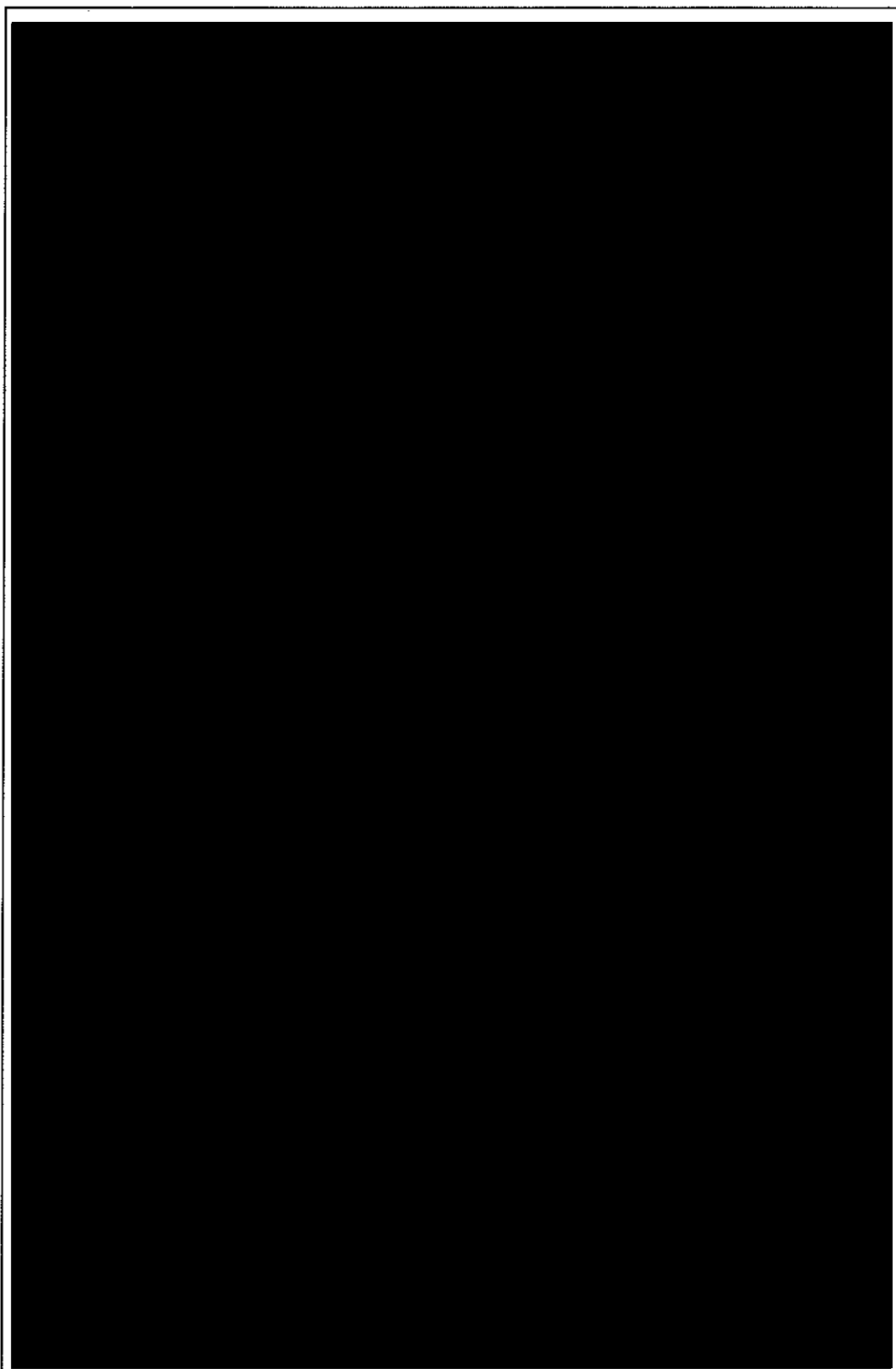


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 58

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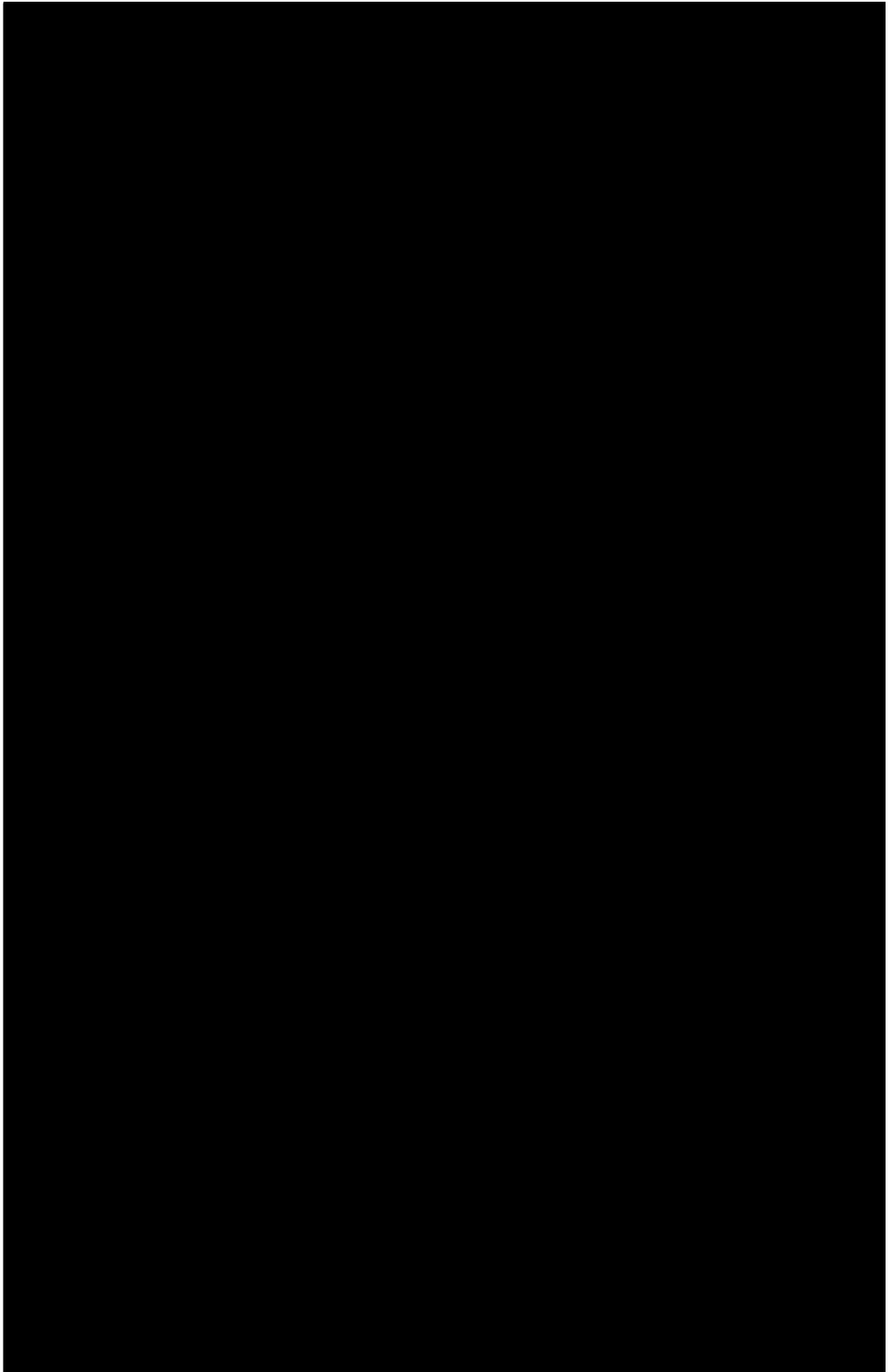


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 59

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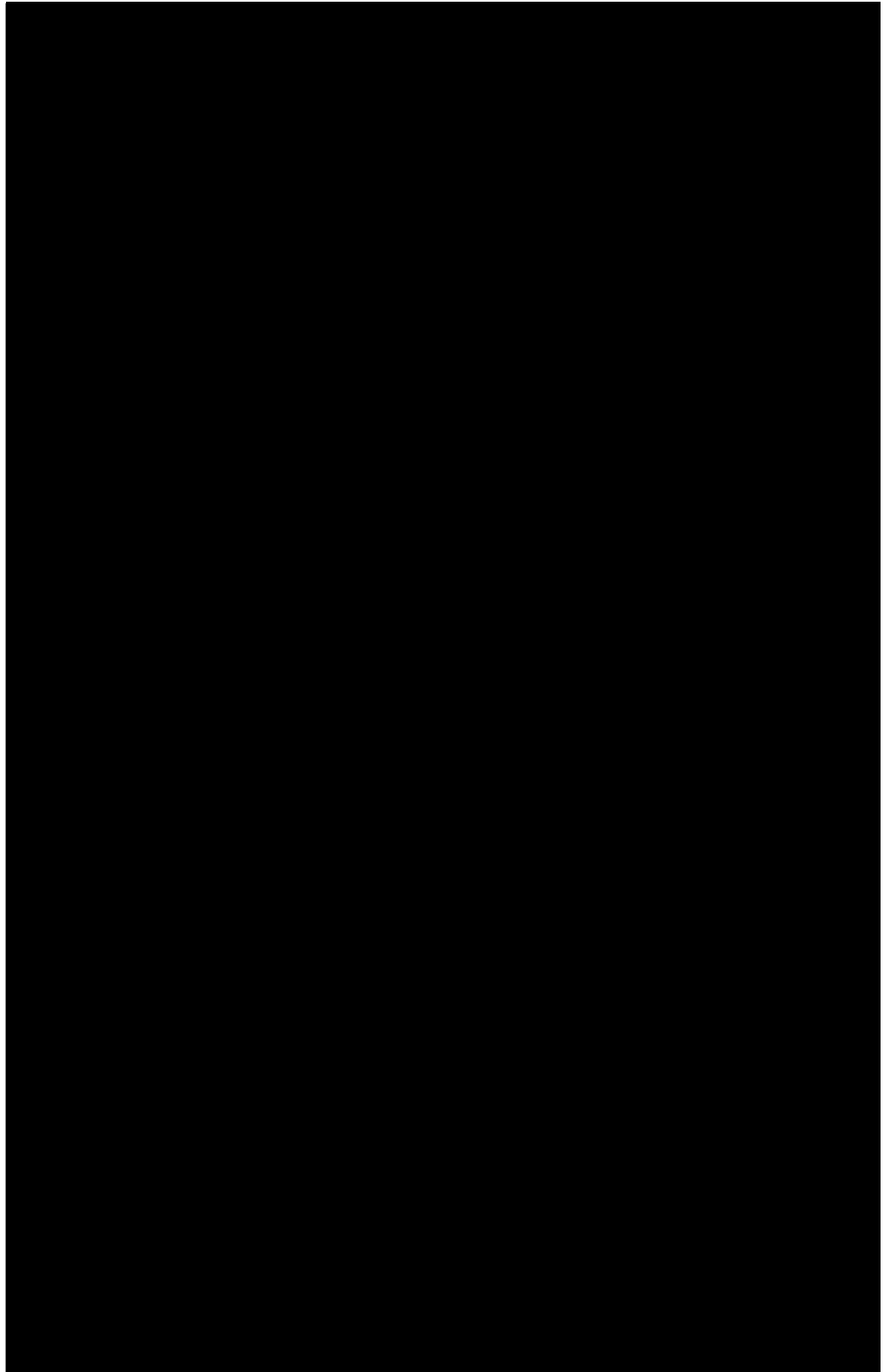


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Page 60

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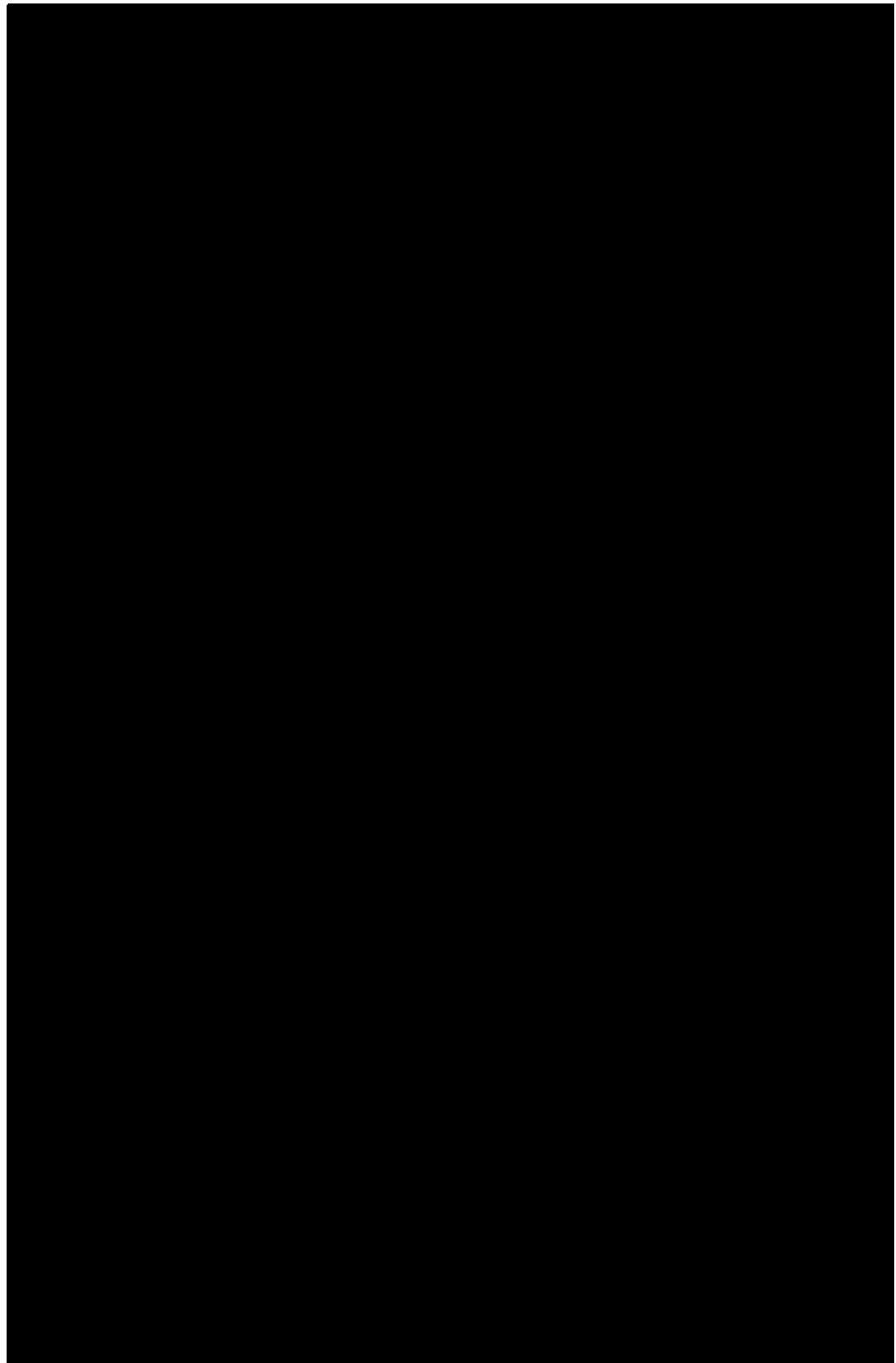


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 61

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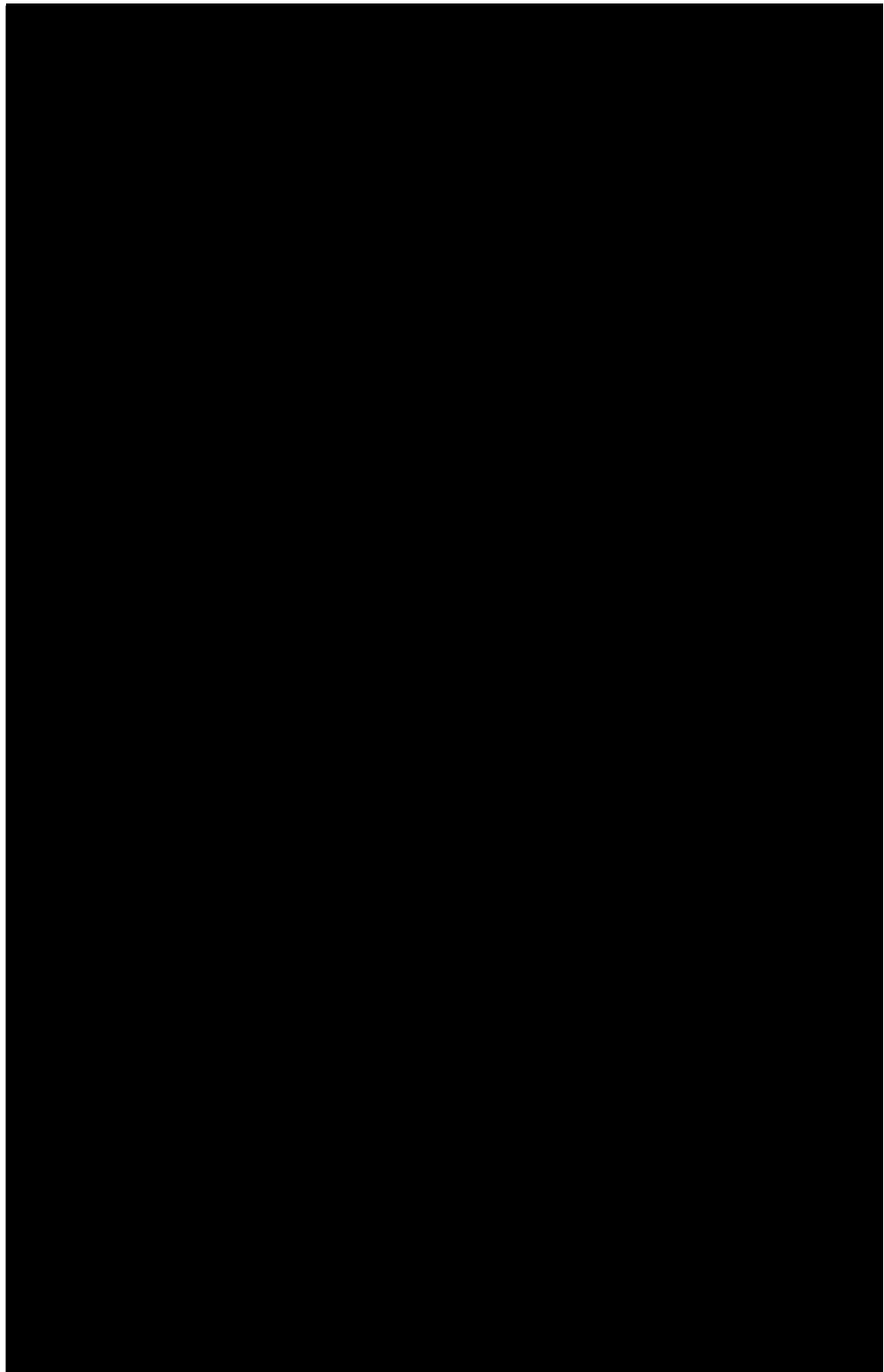


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 62

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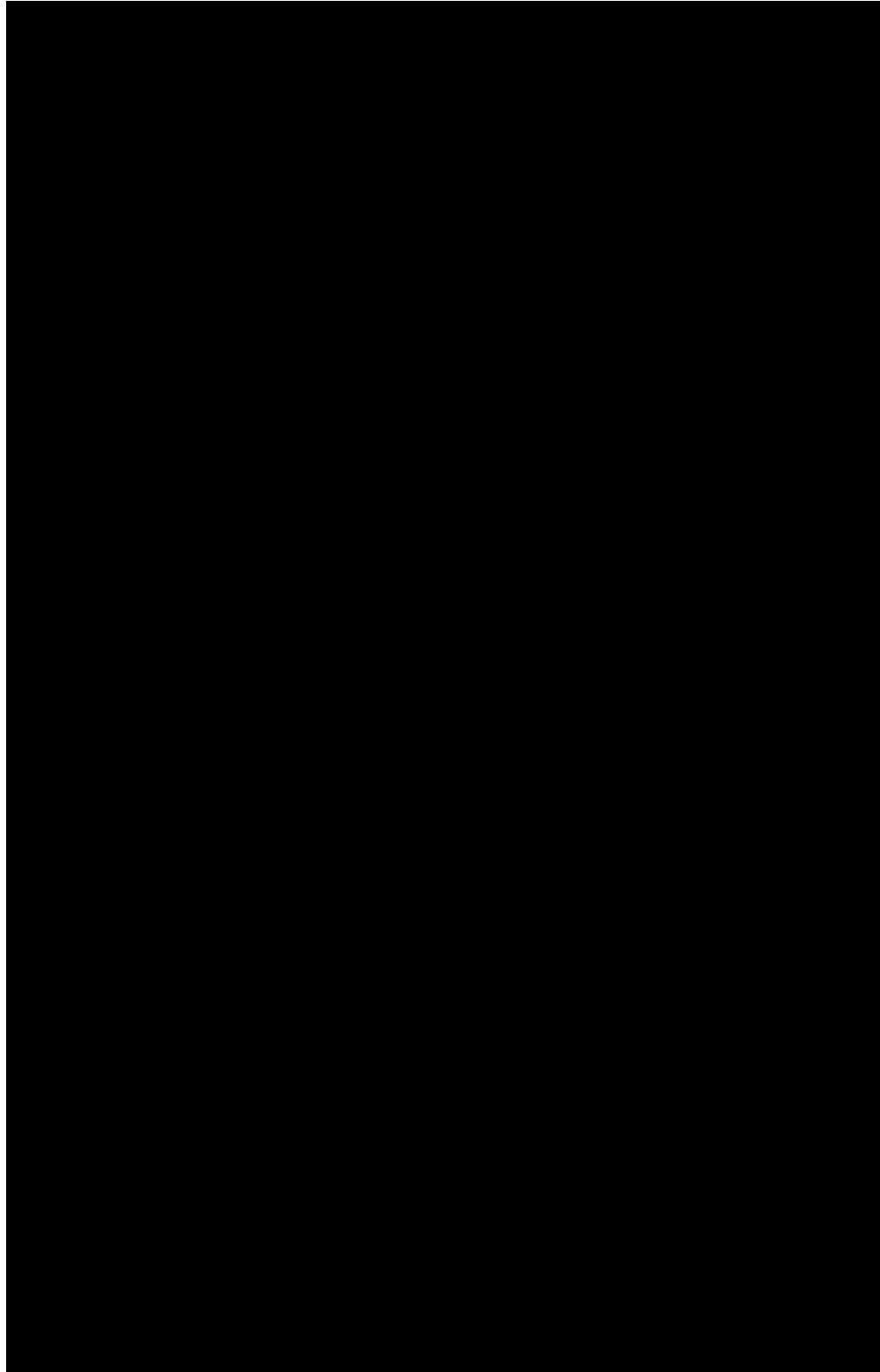


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 63

**MICHAEL O'CONNELL-CONFIDENTIAL**

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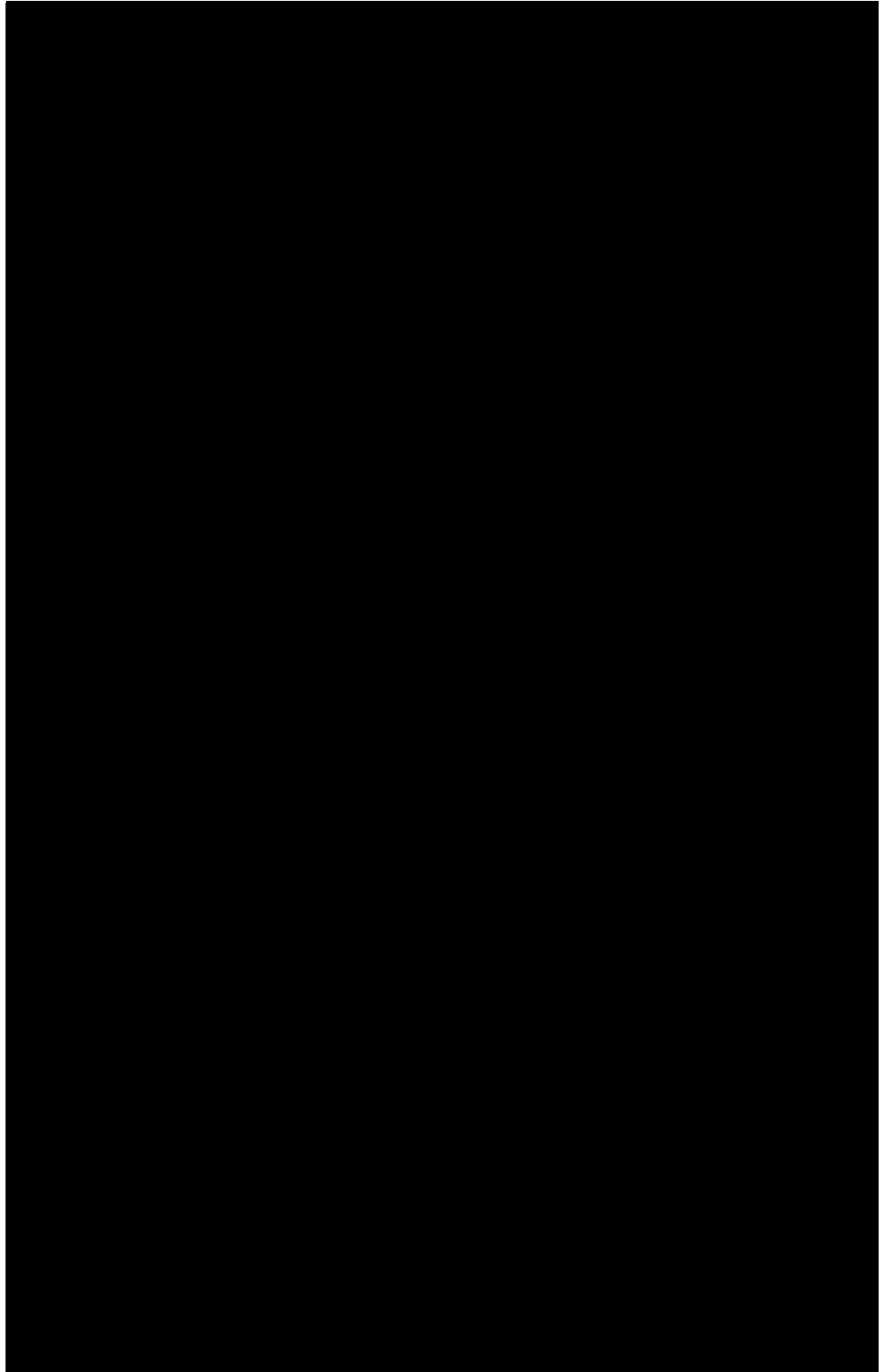


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Page 66

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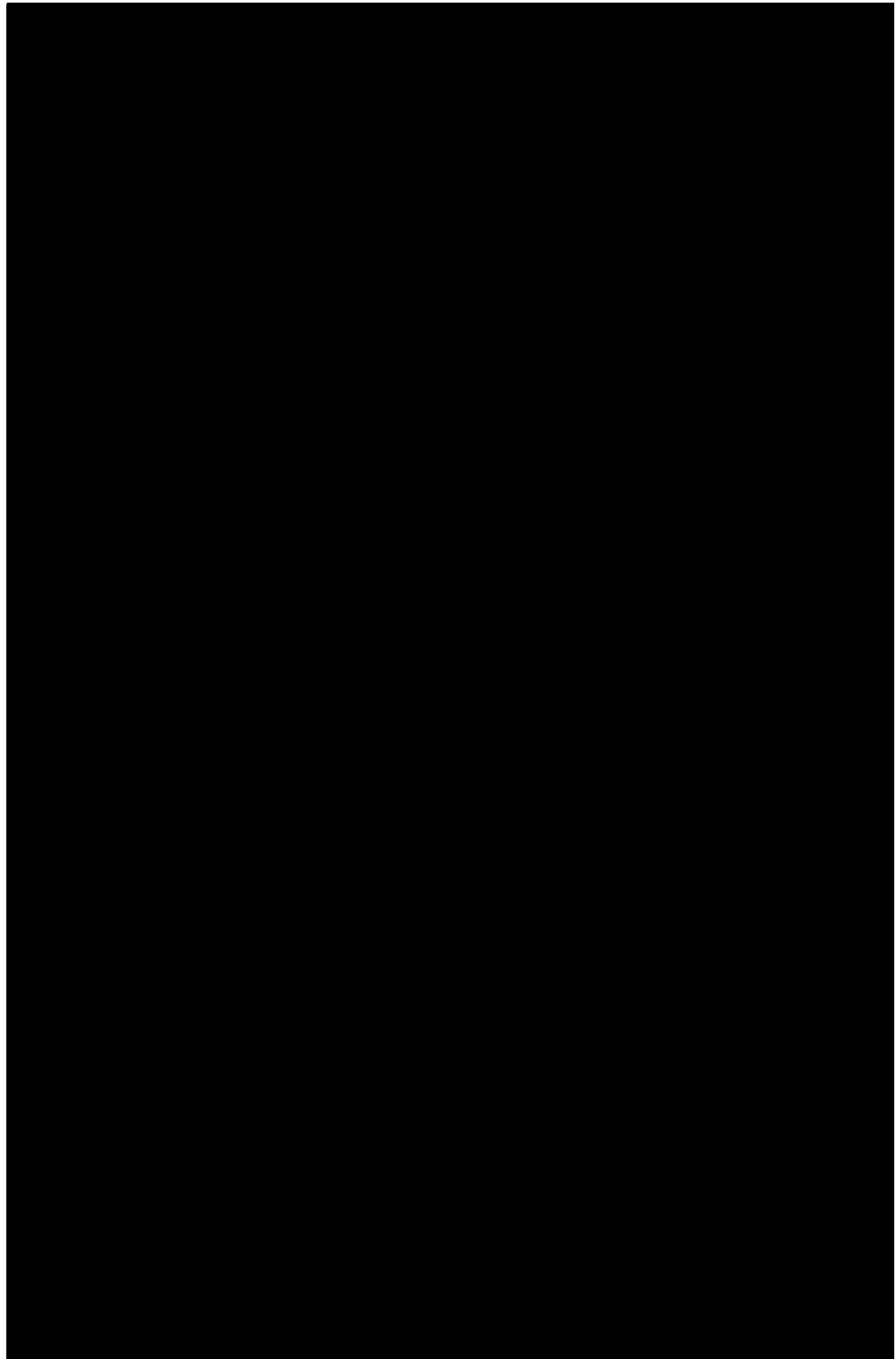


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 67

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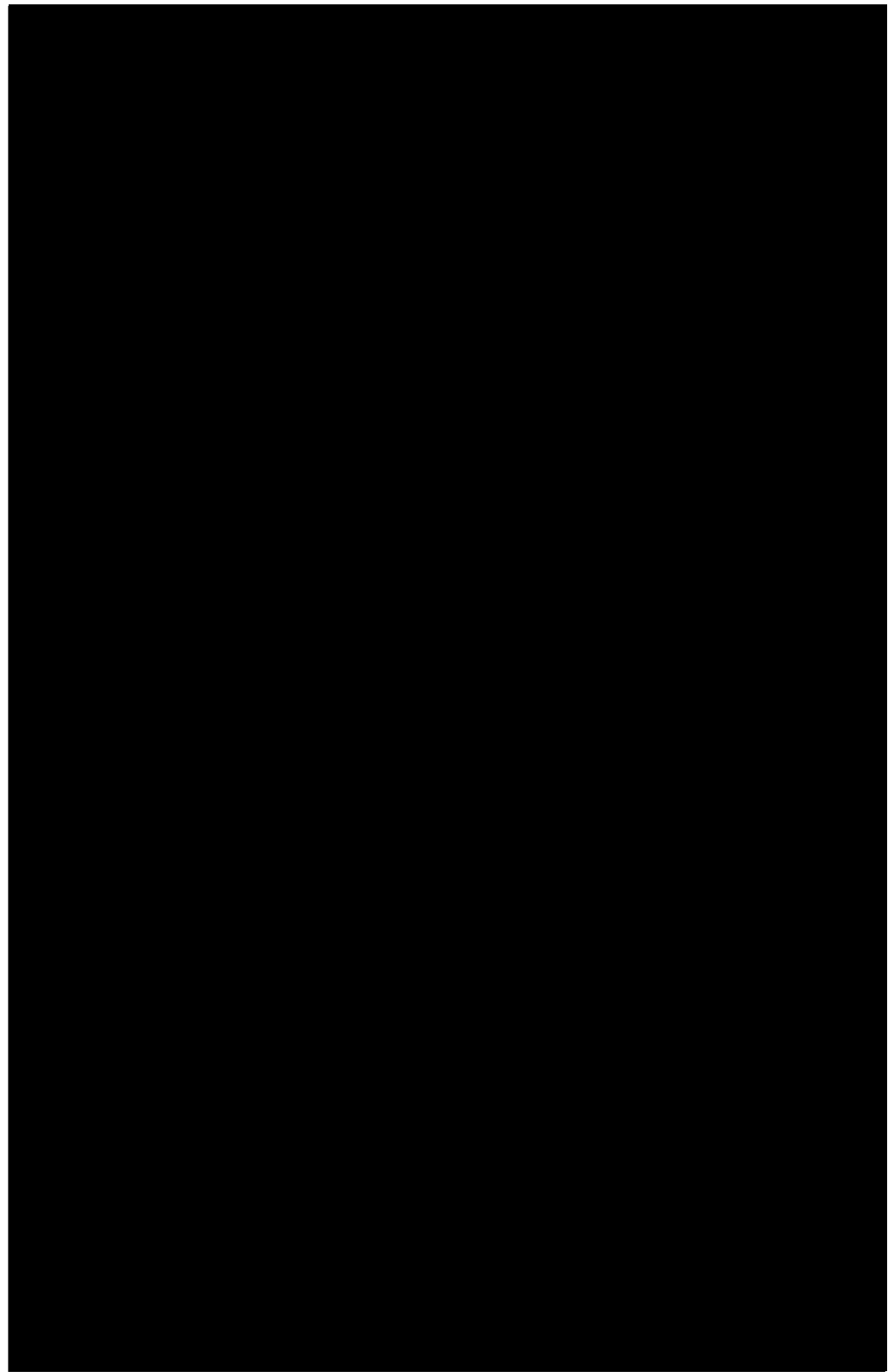


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 122

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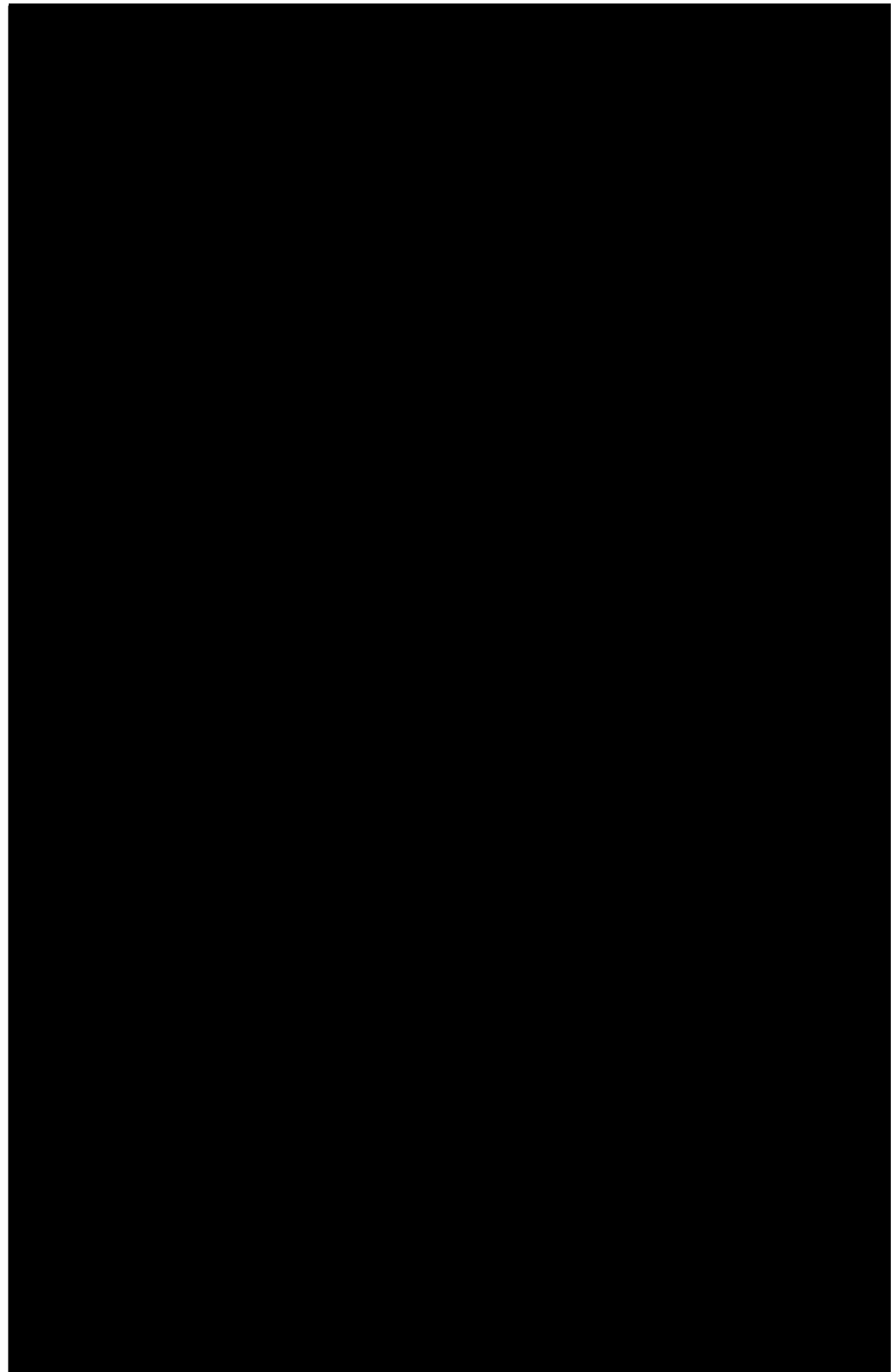


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 133

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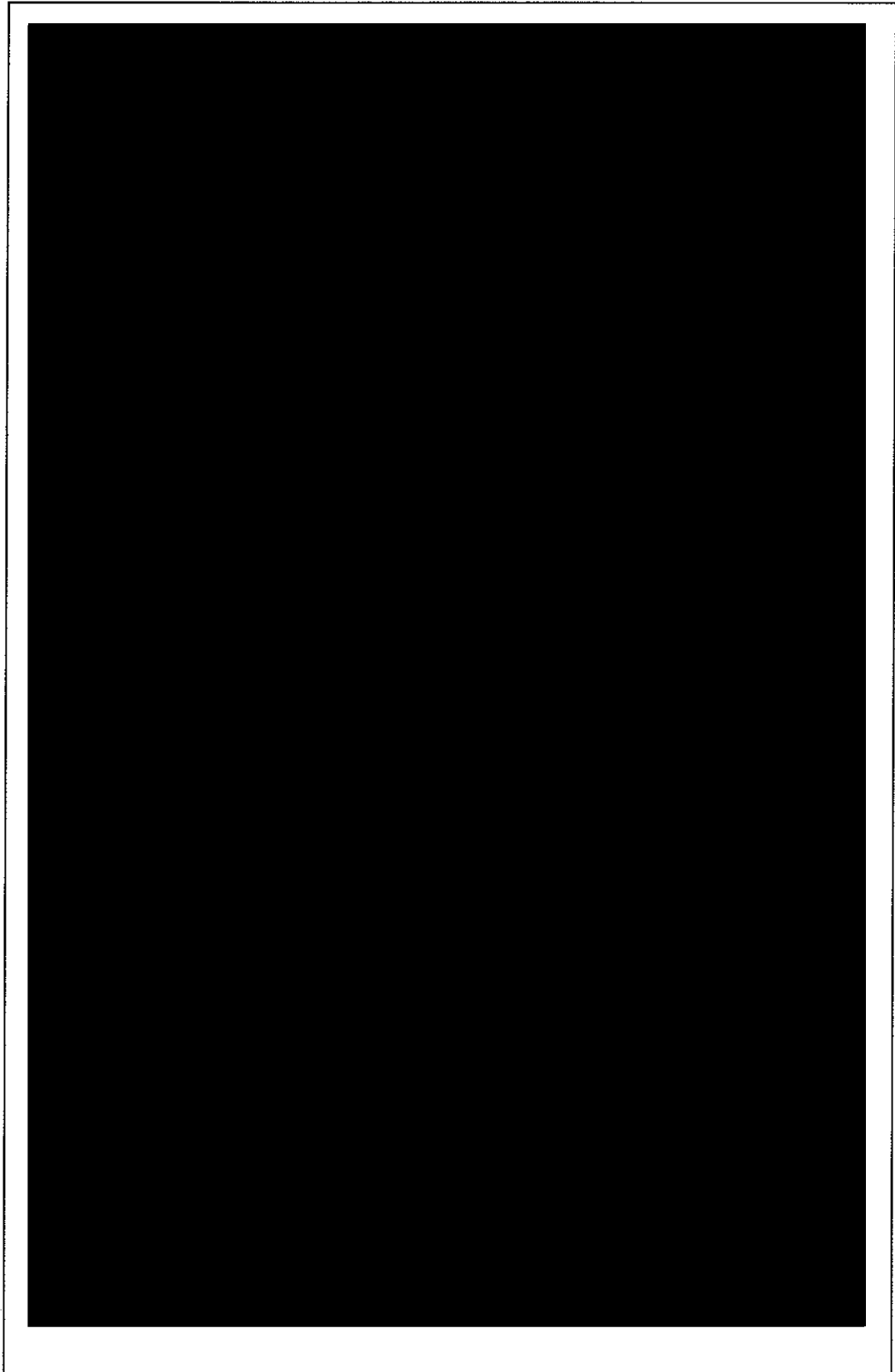


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 134

**MICHAEL O'CONNELL-CONFIDENTIAL**

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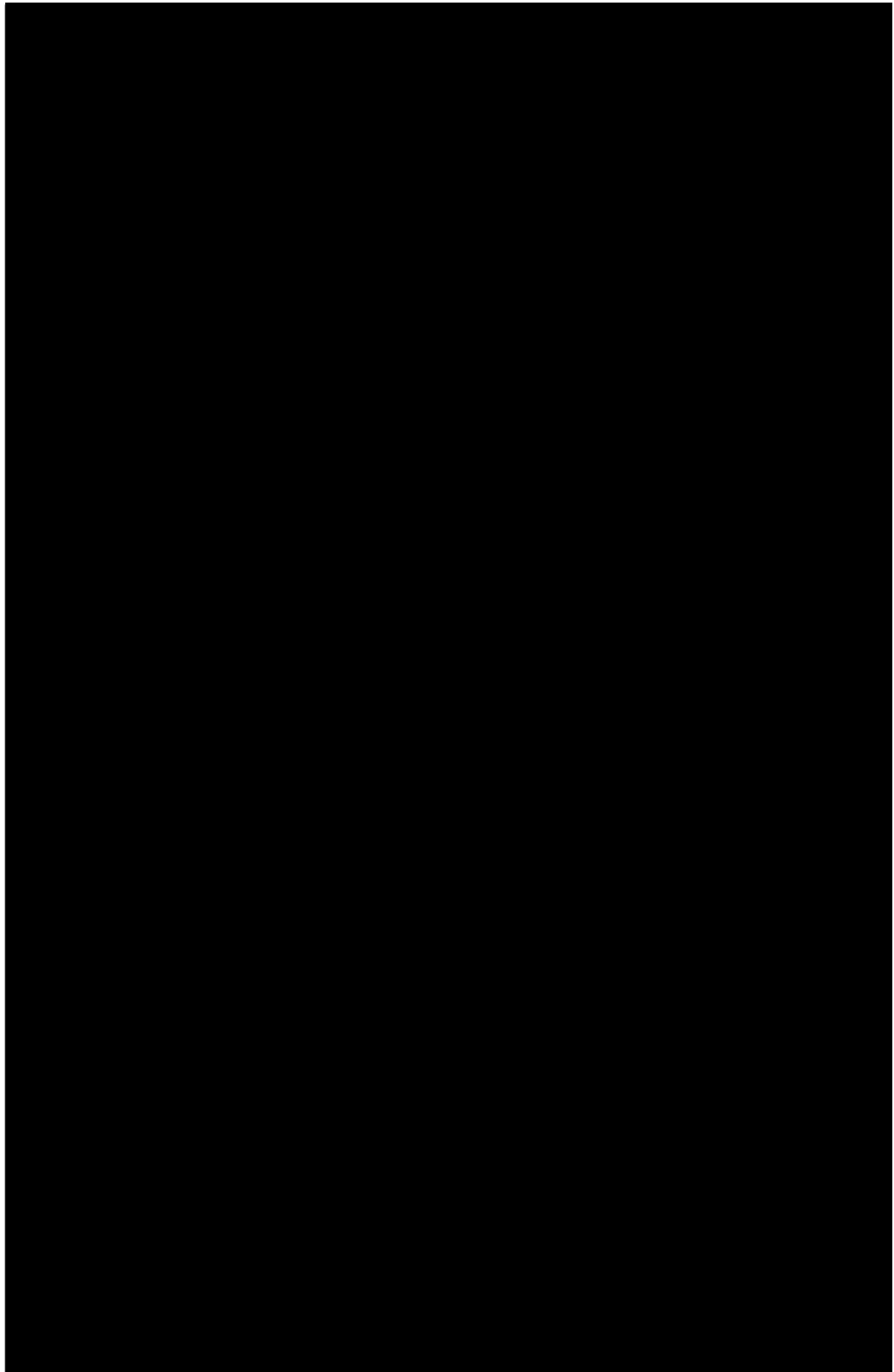


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 135

MICHAEL O'CONNELL-CONFIDENTIAL

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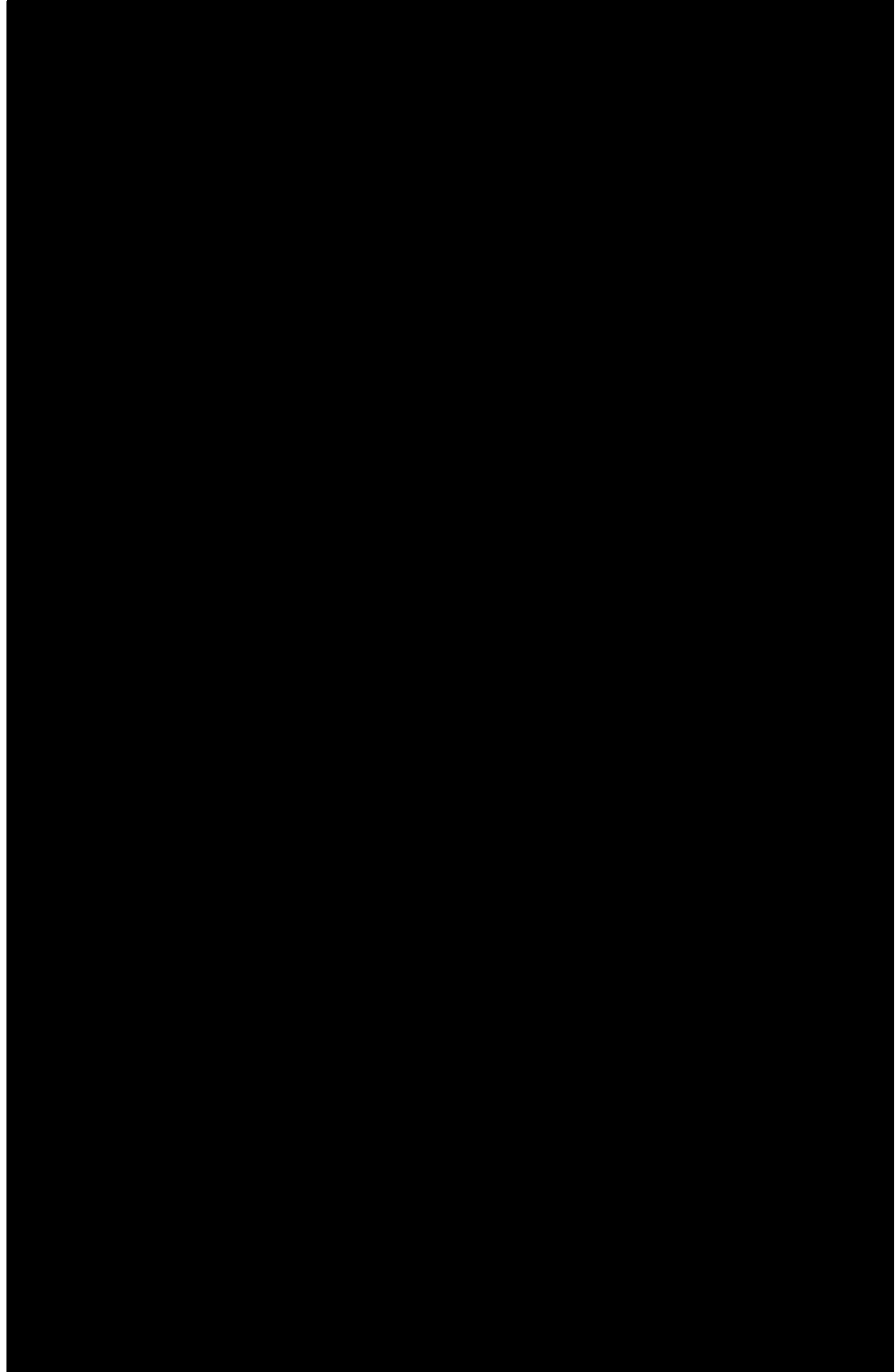


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 160

**MICHAEL O'CONNELL-CONFIDENTIAL**

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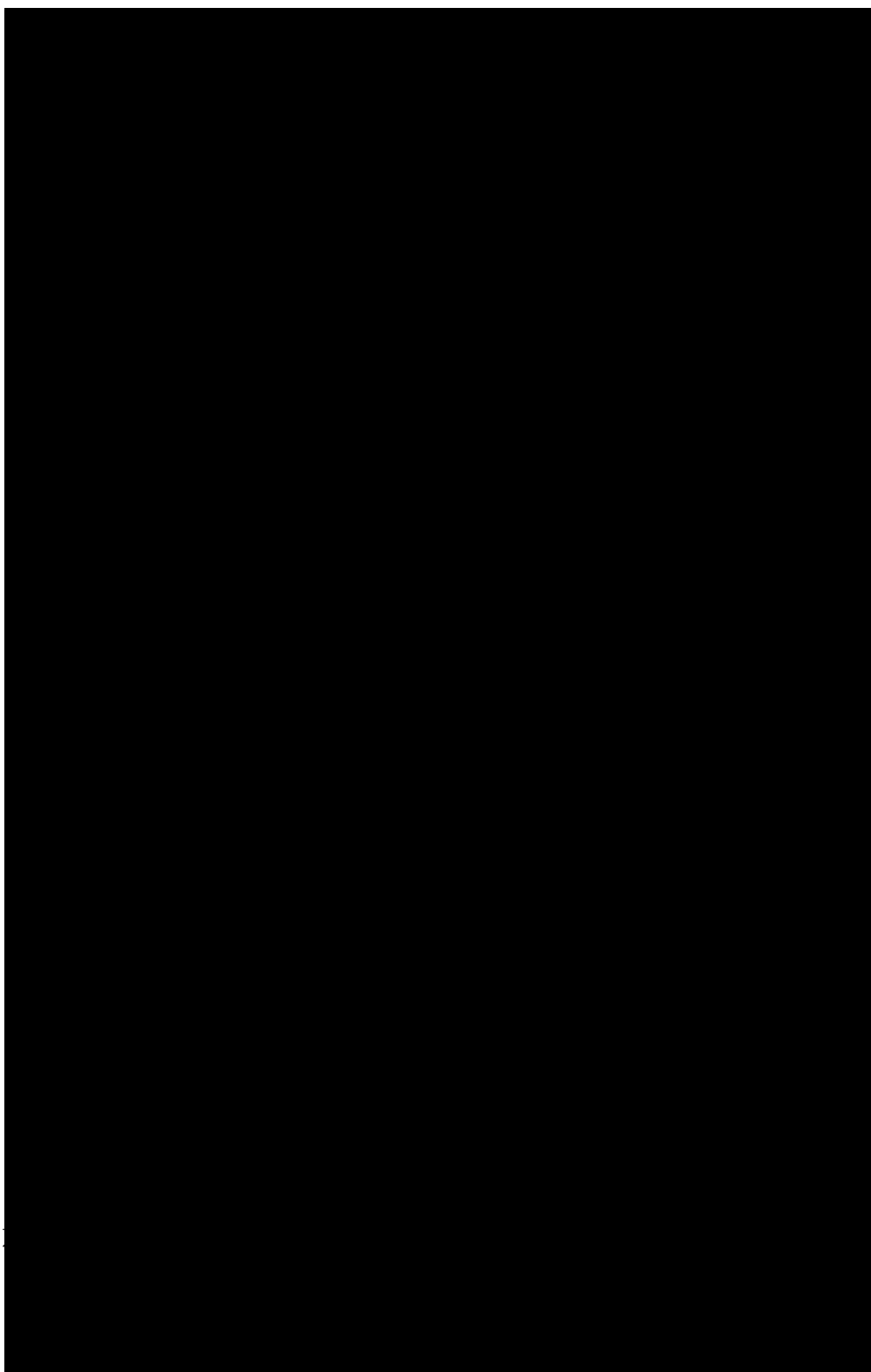


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 161

MICHAEL O'CONNELL-CONFIDENTIAL

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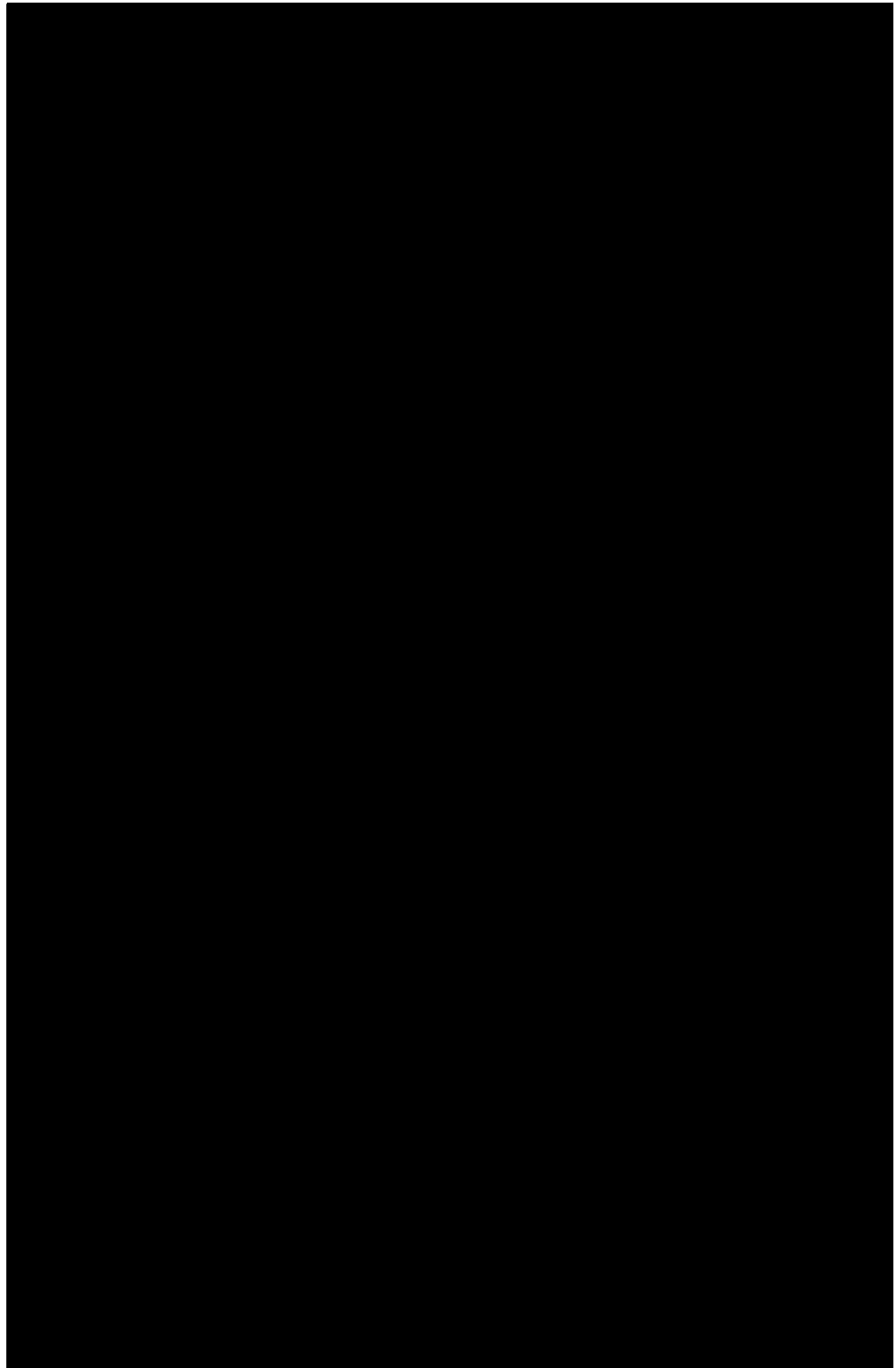


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 162

MICHAEL O'CONNELL-CONFIDENTIAL

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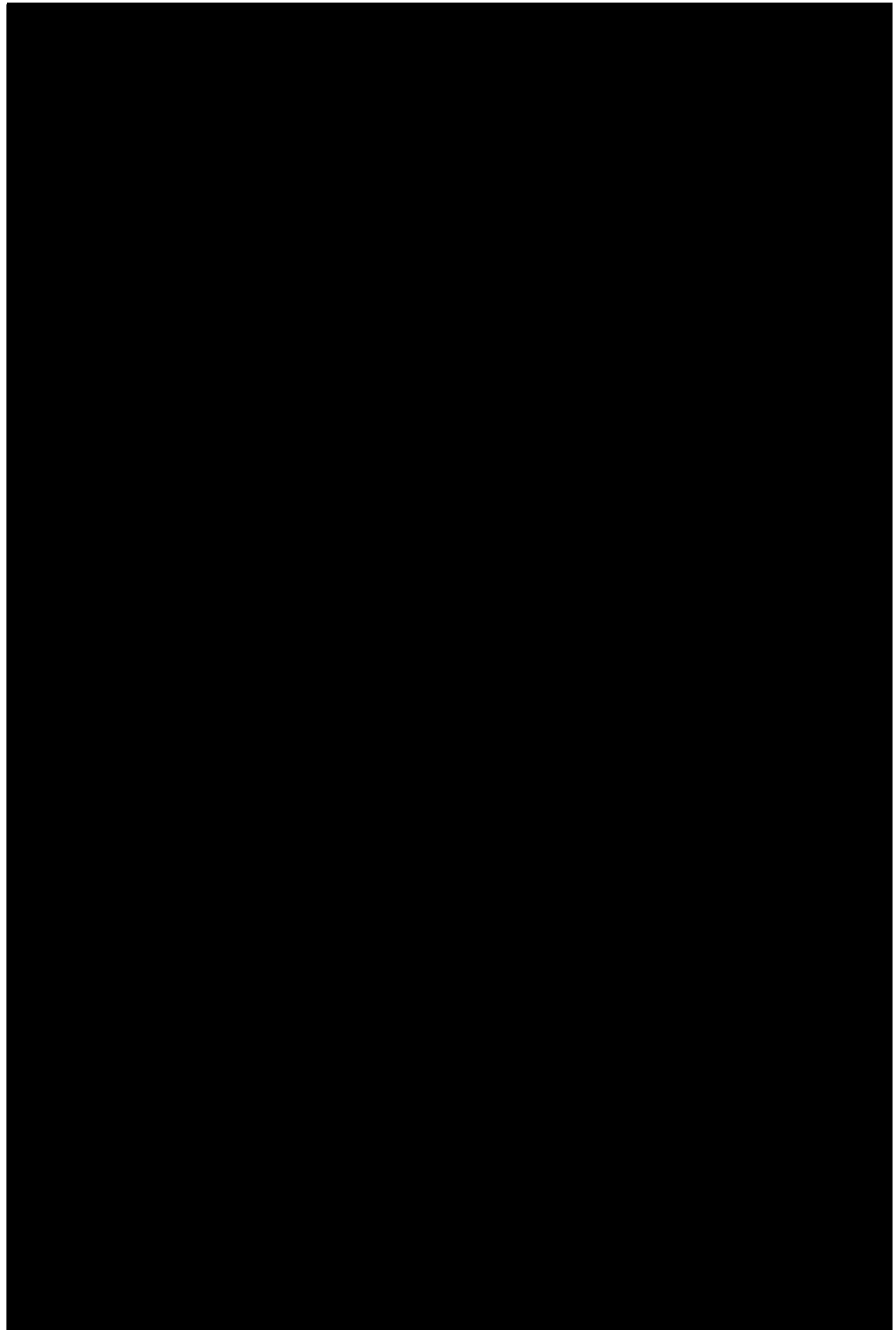


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 163

MICHAEL O'CONNELL-CONFIDENTIAL

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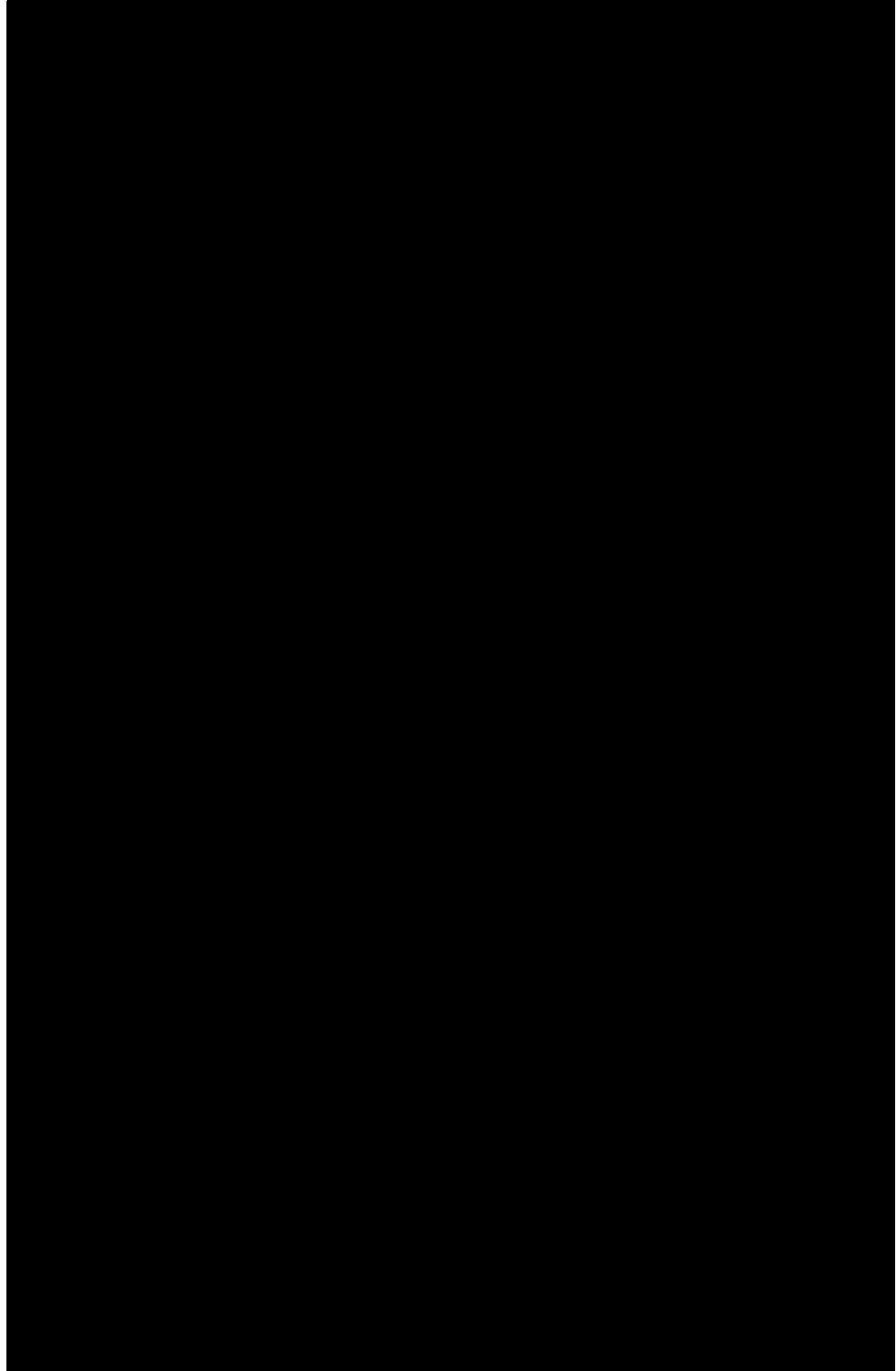


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 166

MICHAEL O'CONNELL-CONFIDENTIAL

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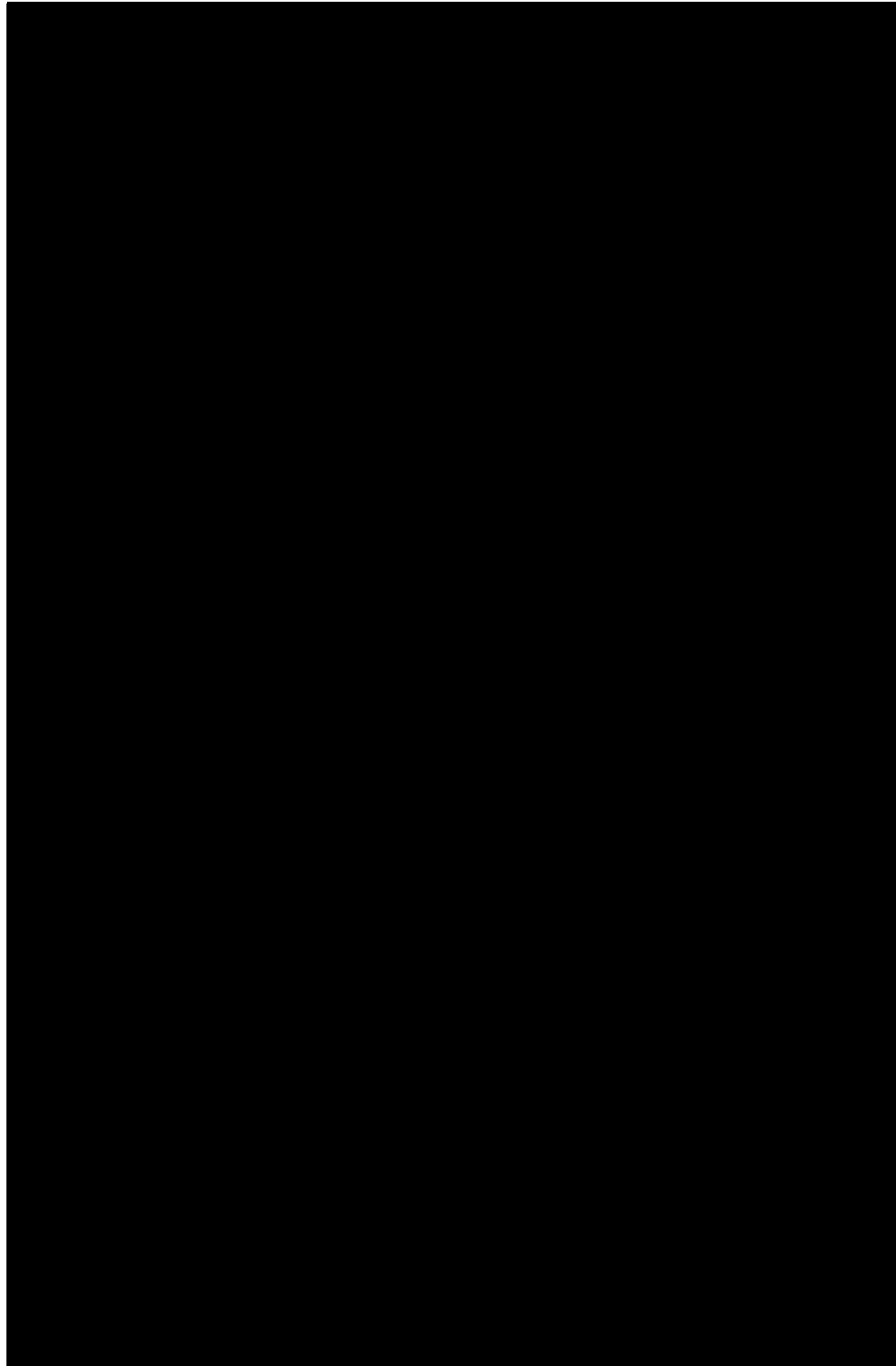


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 167

**MICHAEL O'CONNELL-CONFIDENTIAL**

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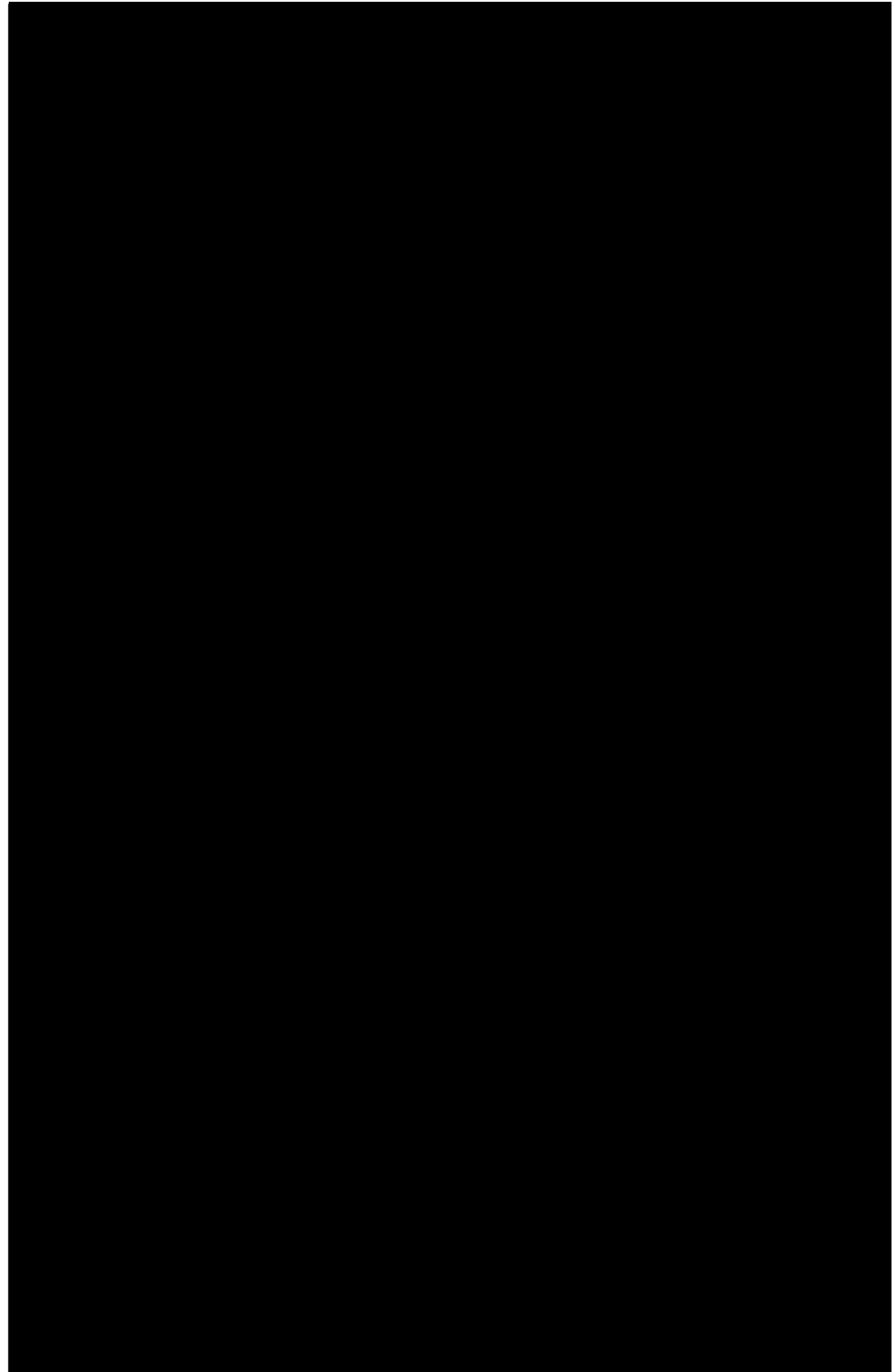


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 168

MICHAEL O'CONNELL-CONFIDENTIAL

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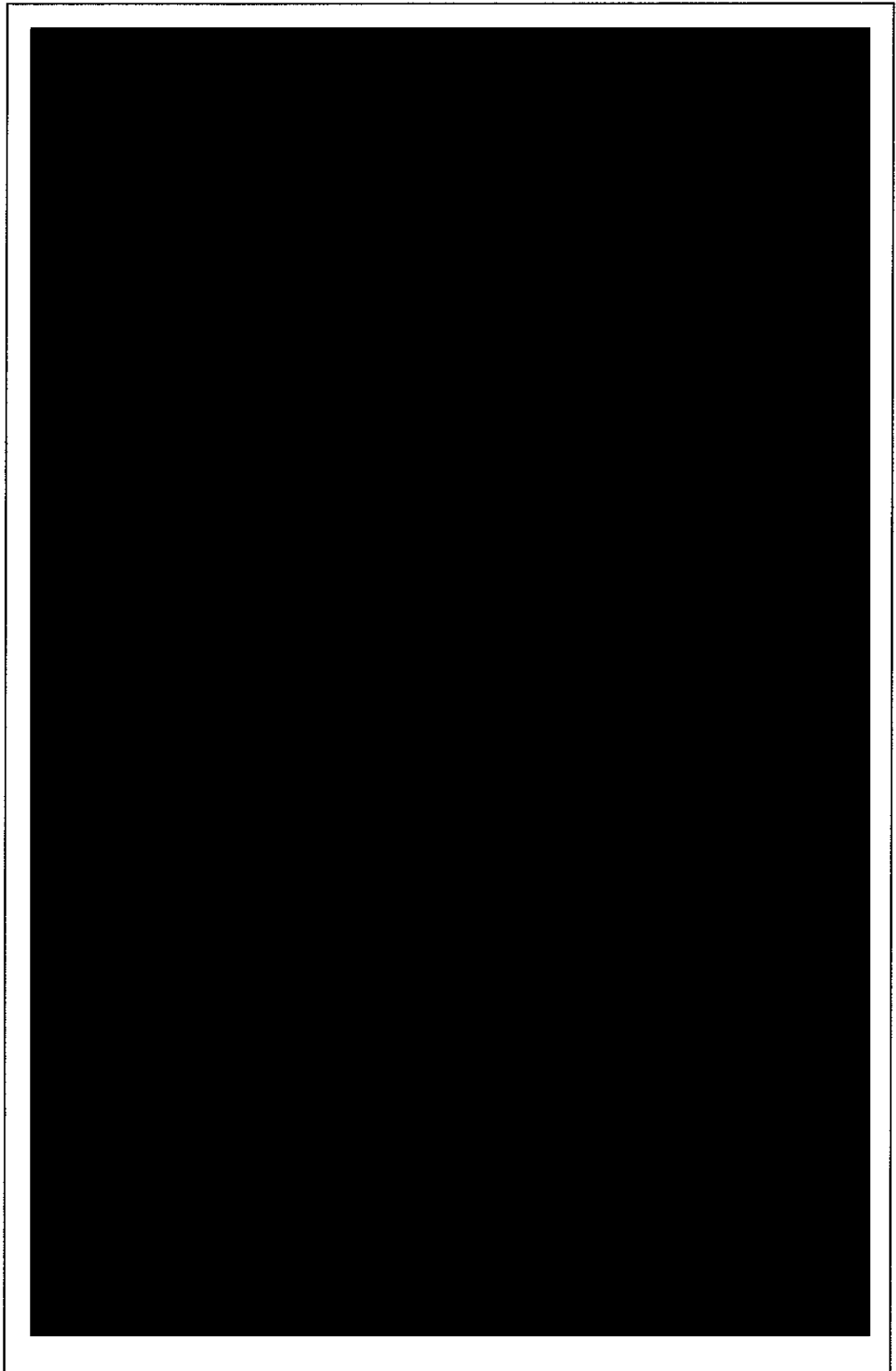


-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 281

MICHAEL O'CONNELL-CONFIDENTIAL

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-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

Page 282

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1 applications, confirming information about the  
2 consumer -- identifying information about the  
3 consumer application process.

4 Q. Okay. And ID Search?

5 A. Similar.

6 Q. And those are sold without credit data  
7 like public records, bank accounts or collection  
8 accounts?

9 A. Yes.

10 Q. Or is it a credit report sold under --

11 A. It doesn't have that kind of data on it.

12 MR. GORSKI: I think that's it. I don't have  
13 any other questions.

14 Thank you, Mr. O'Connell, for your time.

15 MR. NEWMAN: No questions. The deposition is  
16 complete.

17 THE VIDEOGRAPHER: The time is now 4:04 p.m.,  
18 and this concludes today's deposition. We are now  
19 going off the record.

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Page 283

**MICHAEL O'CONNELL-CONFIDENTIAL**

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF DU PAGE )

4 I, Deanna Amore, a notary public within and for  
5 the County of DuPage County and State of Illinois,  
6 do hereby certify that heretofore, to-wit, on  
7 December 13, 2013, personally appeared before me,  
8 at 205 North Michigan Avenue, Suite 2940, Chicago,  
9 Illinois, MICHAEL O'CONNELL, in a cause now pending  
10 and undetermined in the United States District  
11 Court, Northern District of California, wherein  
12 SERGIO L. RAMIREZ, on behalf of himself and all  
13 others Similarly situated, are the Plaintiffs, and  
14 TRANS UNION is the Defendant.

15 I further certify that the said witness was  
16 first duly sworn to testify the truth, the whole  
17 truth and nothing but the truth in the cause  
18 aforesaid; that the testimony then given by said  
19 witness was reported stenographically by me in the  
20 presence of the said witness, and afterwards  
21 reduced to typewriting by Computer-Aided  
22 Transcription, and the foregoing is a true and  
23 correct transcript of the testimony so given by  
24 said witness as aforesaid.

25 I further certify that the signature to the

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Page 284

**MICHAEL O'CONNELL-CONFIDENTIAL**

1     foregoing deposition was reserved by counsel for  
2     the respective parties.

3             I further certify that the taking of this  
4     deposition was pursuant to Notice, and that there  
5     were present at the deposition the attorneys  
6     hereinbefore mentioned.

7             I further certify that I am not counsel for nor  
8     in any way related to the parties to this suit, nor  
9     am I in any way interested in the outcome thereof.

10            IN TESTIMONY WHEREOF: I have hereunto set my  
11     hand and affixed my notarial seal this 16th day of  
12     December, 2013.

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18                                 \_\_\_\_\_  
19                                 NOTARY PUBLIC, DUPAGE COUNTY, ILLINOIS  
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